

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 888

Introduced by Senator Lieu

February 18, 2011

An act to add Section 594.37 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 888, as amended, Lieu. Crime: picketing.

Existing law makes it a crime for a person to disturb, obstruct, detain, or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service or an interment.

This bill would make it a crime, punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both, for a person to engage in picketing, *as defined*, except upon private property *or if arising out of a labor dispute involving labor organizations*, targeted at a funeral, as defined, during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. The bill would set forth related findings and declarations.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds and declares
2 the following:
3 (1) It is generally recognized that families have a substantial
4 interest in organizing and attending funerals for deceased relatives.
5 (2) The interests of families in privately and peacefully
6 mourning the loss of deceased relatives are violated when funerals
7 are disrupted by picketing.
8 (3) Picketing of funerals causes emotional disturbance and
9 distress to grieving families who participate in funerals.
10 (4) Full opportunity exists for the exercise of freedom of speech
11 and other constitutional rights at times other than within one hour
12 prior to or during ~~the~~ a funeral and one hour following the
13 conclusion of a funeral.
14 (b) The purpose of this act is to protect the privacy of grieving
15 families and to preserve the peaceful character of cemeteries,
16 mortuaries, and churches during the time one hour before and one
17 hour after a funeral.
18 SEC. 2. Section 594.37 is added to the Penal Code, to read:
19 594.37. (a) It is unlawful, except upon private property, for a
20 person to engage in picketing targeted at a funeral during the time
21 period beginning one hour prior to the funeral and ending one hour
22 after the conclusion of the funeral.
23 (b) *This section shall not apply to activities arising out of labor*
24 *disputes as defined in paragraph (4) of subdivision (b) of Section*
25 *527.3 of the Code of Civil Procedure involving labor organizations*
26 *as defined in Section 1117 of the Labor Code.*
27 ~~(b)~~
28 (c) Any violation of subdivision (a) is punishable by a fine not
29 exceeding one thousand dollars (\$1,000), imprisonment in a county
30 jail not exceeding six months, or by both that fine and
31 imprisonment.
32 ~~(c)~~
33 (d) For purposes of this section:
34 (1) "Funeral" means the ceremony, or memorial service, held
35 in connection with the burial or cremation of a deceased person.

1 (2) “Picketing” means protest activities engaged in by any
2 person within 1,000 feet of a burial site, mortuary, or place of
3 worship.

4 (3) “Protest activities” includes oration, speech, use of sound
5 amplification equipment in a manner that makes speech or oration
6 audible to participants in a funeral, or similar conduct that is not
7 part of the funeral, before an assembled group of people.

8 ~~(d)~~

9 (e) The provisions of this section are severable. If any provision
10 of this section or its application is held invalid, that invalidity shall
11 not affect other provisions or applications that can be given effect
12 without the invalid provision or application.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.