An Act

ENROLLED HOUSE
BILL NO. 2572

By: Wesselhoft, Billy, Reynolds, Faught, Roan, Walker, Kern, Renegar, Cannaday, Cox, Bailey, Derby and Tibbs of the House

and

Russell, Easley, Gumm, Leftwich and Sykes of the Senate

An Act relating to crimes and evidence; declaring certain evidence as not admissible; amending Section 1, Chapter 4, O.S.L. 2006, as amended by Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp. 2009, Section 1380), which relates to the Oklahoma Funeral Picketing Act; clarifying scope of certain definition; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3011 of Title 12, unless there is created a duplication in numbering, reads as follows:

Evidence requested for admission as substantive evidence of assemblage in the exercise of free speech or display of religious beliefs that is not connected to the direct conduct of planning, conspiring, or committing an act of violence as prescribed by law is not admissible.

SECTION 2. AMENDATORY Section 1, Chapter 4, O.S.L. 2006, as amended by Section 1, Chapter 244, O.S.L. 2006 (21 O.S. Supp. 2009, Section 1380), is amended to read as follows:

Section 1380. A. This section shall be known and may be cited as the "Oklahoma Funeral Picketing Act".

1. The Legislature finds that:

a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives,

b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations,

c. picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals, and

d. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

B. The purposes of this section are to:

1. Protect the privacy of grieving families during the period from one hour before the scheduled commencement of the funeral services until one hour after the actual completion of the funeral services; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches from one hour before the scheduled commencement of funerals services until one hour after the actual completion of the funeral services.

C. As used in this section:

1. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and

2. "Picketing" means protest activities engaged in by a person or persons within five hundred (500) feet of the property line of a cemetery, mortuary, church or other place where any portion of a funeral service is held during the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

D. It is unlawful for any person to engage in picketing within five hundred (500) feet of the property line of any cemetery, church, mortuary or other place where any portion of a funeral service is held during the period from one hour before the scheduled commencement of funeral services until one hour after the actual completion of the funeral services.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail of not more than thirty (30) days, or by both such fine and imprisonment.

F. Notwithstanding the penalties provided in subsection E, any district court may enjoin conduct proscribed by this section and may in any such proceeding award damages, including punitive damages attorney fees or other appropriate relief against the persons found guilty of actions made unlawful by this section.

SECTION 3. This act shall become effective November 1, 2010.

Passed the House of Representatives the 20th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 26th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 27th

day of May, 2010,

at 2:30 o'clock P M.

By:

Approved by the Governor of the State of Oklahoma the 10th day of

June, 2010, at 2:09 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

11th day of June, 2010,

at 4:18 o'clock P M.

By: M. Susan Savage