

An Act

ENROLLED SENATE
BILL NO. 406

By: Brecheen of the Senate

and

Roberts (Dustin), Reynolds,
Bennett, Derby, Cannaday
and Ritze of the House

An Act relating to funeral picketing; amending Section 1, Chapter 4, O.S.L. 2006, as last amended by Section 2, Chapter 451, O.S.L. 2010 (21 O.S. Supp. 2010, Section 1380), which relates to the Oklahoma Funeral Picketing Act; increasing time and distance during and from which certain activities are prohibited; and providing an effective date.

SUBJECT: Funeral picketing

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

SECTION 1. AMENDATORY Section 1, Chapter 4, O.S.L. 2006, as last amended by Section 2, Chapter 451, O.S.L. 2010 (21 O.S. Supp. 2010, 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~~ two (2) hours before the scheduled commencement of funeral services until ~~one hour~~ two (2) hours 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~~ two (2) hours before the scheduled commencement of the funeral services until ~~one hour~~ two (2) hours after the actual completion of the funeral services; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches from ~~one hour~~ two (2) hours before the scheduled commencement of funerals services until ~~one hour~~ two (2) hours 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)~~ one thousand (1,000) 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~~ two (2) hours before the scheduled commencement of funeral services until ~~one hour~~ two (2) hours after the actual completion of the funeral services.

D. It is unlawful for any person to engage in picketing within ~~five hundred (500)~~ one thousand (1,000) 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~~ two (2) hours before the scheduled commencement of funeral services until ~~one hour~~ two (2) hours 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 2. This act shall become effective November 1, 2011.

Passed the Senate the 1st day of March, 2011.



Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2011.



Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 12th
day of April, 20 11,
at 11:50 o'clock A M.

By: Jessica R. Poyson

Approved by the Governor of the State of Oklahoma the 18th day of
April, 20 11, at 1:59 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
18th day of April, 20 11,
at 3:21 o'clock P M.

By: Michelle R. Day