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By: **Delegates James and Cadden**  
 Introduced and read first time: February 8, 2006  
 Assigned to: Judiciary

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Committee Report: Favorable with amendments  
 House action: Adopted  
 Read second time: March 19, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes - ~~Access to and Visual Displays at Burial, Memorial Service, Funeral,~~**  
 3 **or Funeral Procession**

4 FOR the purpose of prohibiting a person from knowingly obstructing, hindering,  
 5 impeding, or blocking another person's entry to or exit from a burial, memorial  
 6 service, funeral, or funeral procession ~~at certain times~~ under certain  
 7 circumstances; prohibiting a person from ~~displaying visual images that convey~~  
 8 ~~fighting words within a certain distance of a burial, memorial service, funeral,~~  
 9 ~~or funeral procession~~ addressing certain speech to a person attending a funeral,  
 10 burial, memorial service, or funeral procession that is likely to incite or produce  
 11 an imminent breach of the peace; prohibiting certain picketing; providing  
 12 penalties for a violation of this Act; making the provisions of this Act severable;  
 13 and generally relating to ~~access to and visual displays~~ prohibiting certain speech  
 14 likely to incite or produce an imminent breach of the peace and acts at burials,  
 15 memorial services, funerals, or funeral processions under certain circumstances.

16 BY adding to  
 17 Article - Criminal Law  
 18 Section 10-205  
 19 Annotated Code of Maryland  
 20 (2002 Volume and 2005 Supplement)

21 **Preamble**

22 ~~WHEREAS, The General Assembly recognizes that the exercise of a person's~~  
 23 ~~right to voice their objections to the involvement of the United States in war must be~~

1 balanced against another person's right to personal safety during a funeral, burial,  
2 memorial service, or funeral procession of a person who has served in a war; and

3 WHEREAS, ~~Disrupting a funeral, burial, memorial service, or funeral~~  
4 ~~procession in a manner that endangers the health, safety, and welfare of a person is a~~  
5 ~~matter of statewide concern; now, therefore,~~

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Criminal Law**

9 10-205.

10 ~~(A) A PERSON MAY NOT, FOR 60 MINUTES IMMEDIATELY PRECEDING A~~  
11 ~~FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION THAT HAS A~~  
12 ~~SCHEDULED STARTING TIME, OR DURING THE 60 MINUTES IMMEDIATELY~~  
13 ~~FOLLOWING A FUNERAL OR MEMORIAL SERVICE:~~

14 ~~(1) KNOWINGLY OBSTRUCT, HINDER, IMPEDE, OR BLOCK ANOTHER~~  
15 ~~PERSON'S ENTRY TO OR EXIT FROM THE FUNERAL, BURIAL, MEMORIAL SERVICE, OR~~  
16 ~~FUNERAL PROCESSION; OR~~

17 ~~(2) DISPLAY A VISUAL IMAGE THAT CONVEYS FIGHTING WORDS~~  
18 ~~AGAINST ANOTHER PERSON WITHIN 500 FEET OF:~~

19 ~~(i) AN ENTRANCE TO A FUNERAL, BURIAL, OR MEMORIAL SERVICE;~~  
20 ~~OR~~

21 ~~(ii) A FUNERAL PROCESSION.~~

22 (A) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO CONDUCTS A  
23 FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION.

24 (2) A PERSON MAY NOT KNOWINGLY OBSTRUCT, HINDER, IMPEDE, OR  
25 BLOCK ANOTHER PERSON'S ENTRY TO OR EXIT FROM A FUNERAL, BURIAL,  
26 MEMORIAL SERVICE, OR FUNERAL PROCESSION.

27 (B) A PERSON MAY NOT ADDRESS SPEECH TO A PERSON ATTENDING A  
28 FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION THAT IS LIKELY  
29 TO INCITE OR PRODUCE AN IMMINENT BREACH OF THE PEACE.

30 (C) A PERSON MAY NOT ENGAGE IN PICKETING ACTIVITY WITHIN 300 FEET OF  
31 A FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION THAT IS  
32 TARGETED AT ONE OR MORE PERSONS ATTENDING THE FUNERAL, BURIAL,  
33 MEMORIAL SERVICE, OR FUNERAL PROCESSION.

34 ~~(B)~~ (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
35 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
36 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

1     SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
2 Act or the application thereof to any person or circumstance is held invalid for any  
3 reason in a court of competent jurisdiction, the invalidity does not affect other  
4 provisions or any other application of this Act which can be given effect without the  
5 invalid provision or application, and for this purpose the provisions of this Act are  
6 declared severable.

7     SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 2006.