
By: **Senator Garagiola**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 13, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Obstructing Access to or Expressing Fighting Words at Burial,**
3 **Memorial Service, Funeral, 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; prohibiting a person
7 from speaking or displaying visual images that convey fighting words within
8 certain distances of an indoor or outdoor burial, memorial service, funeral, or
9 funeral procession; providing penalties for a violation of this Act; defining a
10 certain term; providing for the application of this Act; and generally relating to
11 obstructing access to and expressing fighting words at burials, memorial
12 services, funerals, or funeral processions.

13 BY adding to
14 Article - Criminal Law
15 Section 10-205
16 Annotated Code of Maryland
17 (2002 Volume and 2005 Supplement)

18 Preamble

19 WHEREAS, The General Assembly recognizes that the exercise of a person's
20 right to voice their objections to the involvement of the United States in war must be
21 balanced against another person's right to personal safety during a funeral, burial,
22 memorial service, or funeral procession of a person who has served in a war; and

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

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

1

Article - Criminal Law

2 10-205.

3 (A) IN THIS SECTION, "FIGHTING WORDS" MEANS WORDS THAT BY THEIR
4 VERY UTTERANCE INFLICT INJURY OR TEND TO INCITE AN IMMEDIATE BREACH OF
5 PEACE, REGARDLESS OF WHETHER THE DANGER IS IMMINENT.

6 (B) THIS SECTION DOES NOT APPLY TO:

7 (1) A PERSON WHO HOLDS A VALID LICENSE ISSUED BY THE STATE
8 BOARD OF MORTICIANS; OR

9 (2) A PERSON WHO HOLDS A VALID REGISTRATION OR PERMIT ISSUED
10 BY THE OFFICE OF CEMETERY OVERSIGHT.

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

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

18 (2) SPEAK OR DISPLAY A VISUAL IMAGE THAT CONVEYS FIGHTING
19 WORDS AGAINST ANOTHER PERSON WITHIN:

20 (I) 100 FEET OF AN INDOOR MEMORIAL SERVICE OR FUNERAL; OR

21 (II) 300 FEET OF AN OUTDOOR MEMORIAL SERVICE, FUNERAL,
22 FUNERAL PROCESSION, OR BURIAL.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2006.