
By: ~~Senator Garagiola~~ **Senators Garagiola, Giannetti, Haines, and Jacobs**
 Constitutional Requirements Complied with for Introduction in the last 35 Days of
 Session
 Introduced and read first time: March 13, 2006
 Assigned to: Rules
 Re-referred to: Judicial Proceedings, March 20, 2006

Committee Report: Favorable with amendments
 Senate action: Adopted
 Read second time: April 4, 2006

CHAPTER _____

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~~ under certain
 7 circumstances; prohibiting a person from ~~speaking or displaying visual images~~
 8 ~~that convey fighting words within certain distances of an indoor or outdoor~~
 9 ~~burial, memorial service, funeral, or funeral procession~~ addressing certain
 10 speech to a person attending a funeral, burial, memorial service, or funeral
 11 procession that is likely to incite or produce an imminent breach of the peace;
 12 prohibiting certain picketing; providing penalties for a violation of this Act;
 13 ~~defining a certain term; providing for the application of this Act; making the~~
 14 ~~provisions of this Act severable~~; and generally relating to ~~obstructing access to~~
 15 ~~and expressing fighting words~~ prohibiting certain speech likely to incite or
 16 produce an imminent breach of the peace and acts at burials, memorial services,
 17 funerals, or funeral processions under certain circumstances.

18 BY adding to
 19 Article - Criminal Law
 20 Section 10-205
 21 Annotated Code of Maryland
 22 (2002 Volume and 2005 Supplement)

1

Preamble

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

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

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

11

Article - Criminal Law

12 10-205.

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

16 (B) ~~THIS SECTION DOES NOT APPLY TO:~~

17 (1) ~~A PERSON WHO HOLDS A VALID LICENSE ISSUED BY THE STATE~~
18 ~~BOARD OF MORTICIANS; OR~~

19 (2) ~~A PERSON WHO HOLDS A VALID REGISTRATION OR PERMIT ISSUED~~
20 ~~BY THE OFFICE OF CEMETERY OVERSIGHT.~~

21 (C) ~~A PERSON MAY NOT, FOR 60 MINUTES IMMEDIATELY PRECEDING A~~
22 ~~FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION THAT HAS A~~
23 ~~SCHEDULED STARTING TIME, OR DURING THE 60 MINUTES IMMEDIATELY~~
24 ~~FOLLOWING A FUNERAL OR MEMORIAL SERVICE:~~

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

28 (2) ~~SPEAK OR DISPLAY A VISUAL IMAGE THAT CONVEYS FIGHTING~~
29 ~~WORDS AGAINST ANOTHER PERSON WITHIN:~~

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

31 (II) ~~300 FEET OF AN OUTDOOR MEMORIAL SERVICE, FUNERAL,~~
32 ~~FUNERAL PROCESSION, OR BURIAL.~~

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

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

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

7 (C) A PERSON MAY NOT ENGAGE IN PICKETING ACTIVITY WITHIN 100 FEET OF
8 A FUNERAL, BURIAL, MEMORIAL SERVICE, OR FUNERAL PROCESSION THAT IS
9 TARGETED AT ONE OR MORE PERSONS ATTENDING THE FUNERAL, BURIAL,
10 MEMORIAL SERVICE, OR FUNERAL PROCESSION.

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

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

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