

SENATE BILL 982

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By: **Senator Simonaire**

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

Introduced and read first time: March 9, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Funerals, Burials, Memorial Services, and Funeral**
3 **Processions – Picketing and Penalties**

4 FOR the purpose of altering the distance within which a person is prohibited from
5 engaging in picketing activities at a funeral, burial, memorial service, or funeral
6 procession; altering the penalties for certain violations relating to picketing and
7 other activities at funerals, burials, memorial services, and funeral processions;
8 and generally relating to funerals, burials, memorial services, and funeral
9 processions.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 10–205
13 Annotated Code of Maryland
14 (2002 Volume and 2010 Supplement)

15 Preamble

16 WHEREAS, The General Assembly affirms that families have a legitimate and
17 legally cognizable interest in organizing and attending funerals for deceased relatives
18 and that the rights of families to mourn peacefully and privately the death of relatives
19 are violated when funerals are targeted for picketing or protest activities; and

20 WHEREAS, The General Assembly also recognizes that individuals have a
21 constitutional right to free speech and, that in the context of funeral ceremonies, the
22 competing interests of picketers and funeral participants must be balanced; and

23 WHEREAS, The General Assembly declares that the following laws are to
24 protect the privacy of grieving families and to preserve the peaceful character of a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 funeral, burial, memorial service, or funeral procession while still providing picketers
2 and protesters the opportunity to communicate their message at a time and place that
3 minimizes the interference with the rights of funeral participants; now, therefore,

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

6 **Article – Criminal Law**

7 10–205.

8 (a) (1) This subsection does not apply to a person who conducts a funeral,
9 burial, memorial service, or funeral procession.

10 (2) A person may not knowingly obstruct, hinder, impede, or block
11 another person's entry to or exit from a funeral, burial, memorial service, or funeral
12 procession.

13 (b) A person may not address speech to a person attending a funeral, burial,
14 memorial service, or funeral procession that is likely to incite or produce an imminent
15 breach of the peace.

16 (c) A person may not engage in picketing activity within [100] **1,000** feet of
17 a funeral, burial, memorial service, or funeral procession that is targeted at one or
18 more persons attending the funeral, burial, memorial service, or funeral procession.

19 (d) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to:

21 **(1) FOR A FIRST VIOLATION, imprisonment not exceeding [90 days] 1**
22 **YEAR or a fine not exceeding [\$1,000] \$5,000 or both; AND**

23 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, IMPRISONMENT**
24 **NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2011.