

Senate Bill 606

By: Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended by adding a new Code Section 16-11-34.2 to read as follows:

"16-11-34.2.

(a) The General Assembly declares that the interest of persons in planning, participating in, and attending a funeral, memorial service, or procession for a deceased relative or loved one without unwanted impediment, disruption, disturbance, or interference is a substantial interest and the General Assembly further recognizes the need to impose content neutral time, place, and manner restrictions on unwanted acts carried out with the intent to impede, disrupt, disturb, or interfere with such funeral, memorial service, or funeral procession.

(b) It shall be unlawful to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, disturb, or interfere with the orderly conduct of any funeral, memorial service, or funeral procession or with the normal activities and functions carried on in the facilities or buildings where such funeral, memorial service, or funeral procession is taking place. Any or all of the following shall constitute such disorderly or disruptive conduct:

(1) Conducting a public assembly, parade, demonstration, or other like event, either fixed or processional, within 100 feet of the ceremonial site or location being used for a funeral, memorial service, or funeral procession at any time one hour prior to, during, or one hour after the posted time for said funeral, memorial service, or funeral procession;

(2) Displaying any visual images that convey fighting words or actual or imminent threats of harm directed to any person or property associated with said funeral, memorial service, or funeral procession within 100 feet of the ceremonial site or location being used for the funeral, memorial service, or funeral procession at any time one hour prior to, during, or one hour after the posted time for said funeral, memorial service, or funeral procession;

(3) Uttering loud, threatening, or abusive language or singing, chanting, whistling, or yelling with or without noise amplification including, but not limited to, bullhorns, automobile horns, and microphones, such as would tend to impede, disrupt, disturb, or interfere with a funeral, memorial service, or funeral procession within 100 feet of the ceremonial site or location being used for the funeral, memorial service, or funeral procession; or

(4) Attempting to block or blocking pedestrian or vehicular access to the ceremonial site or location or procession route being used for a funeral, memorial service, or funeral procession at any time one hour prior to, during, or one hour after the posted time for said funeral, memorial service, or funeral procession.

(c) Any person who violates any provision of subsection (b) of this Code section shall be guilty of a misdemeanor."

SECTION 2.

This Act shall become effective on July 1, 2006, and shall apply to all offenses committed on or after such date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.