

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1150 Session of
2006

INTRODUCED BY PIPPY, REGOLA, D. WHITE, ROBBINS, FONTANA,
ERICKSON, JUBELIRER, CORMAN, RHOADES, RAFFERTY, LOGAN,
PICCOLA, ARMSTRONG, PILEGGI, STOUT, BOSCOLA, BROWNE, STACK,
TOMLINSON, GREENLEAF AND C. WILLIAMS, MARCH 20, 2006

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 4, 2006

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, providing for offense of protesting at~~
3 ~~a commemorative service.~~

4 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <—
5 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED
6 STATUTES, PROVIDING FOR OFFENSE OF PROTESTING AT A
7 COMMEMORATIVE SERVICE AND FOR COMMEMORATIVE SERVICE PROTEST
8 ACTION.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section to read:

13 § 7517. Commemorative service protest activities.

14 (a) Legislative intent.--The General Assembly finds and
15 declares that:

16 (1) Families have a substantial interest in organizing
17 and attending commemorative services for deceased relatives.

18 (2) The interests of families in privately and
19 peacefully mourning the loss of deceased relatives are
20 violated when commemorative services are targeted for

1 picketing and other public demonstrations.

2 (3) Picketing of commemorative services causes emotional
3 disturbance and distress to grieving families who participate
4 in commemorative services.

5 (4) Full opportunity exists under the terms and
6 provisions of this section for the exercise of freedom of
7 speech and other constitutional rights at times other than
8 within one hour prior to, during and one hour following the
9 commemorative services.

10 (b) Offense defined.--A person commits a misdemeanor of the
11 third degree if the person engages in protest activities within
12 500 feet of any cemetery, mortuary, church or other location
13 being utilized for the purposes of a commemorative service
14 within one hour prior to, during and one hour following the
15 commemorative service.

16 ~~(c) Relief. A court may enjoin conduct proscribed by this~~ <—
17 ~~section and may award damages, including punitive damages,~~
18 ~~attorney fees or other appropriate relief against a person found~~
19 ~~guilty of violating this section.~~

20 ~~(d) (C) Definitions.--As used in this section, the following~~ <—
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Commemorative service." An event involving the gathering of
24 individuals who assemble:

25 (1) At a cemetery or other location during a burial or
26 memorial service for a specific deceased person, to mourn or
27 honor the deceased person or to pay respect to the family of
28 the deceased person.

29 (2) In a building during the viewing or memorial service
30 of a specific deceased person, to mourn or honor the deceased

1 person or to pay respect to the family of the deceased
2 person.

3 (3) To participate in a procession to a cemetery,
4 building or other location in which a viewing, burial or
5 memorial service of a specific deceased person is to be
6 conducted, to mourn or honor the deceased person or to pay
7 respect to the family of the deceased person.

8 "Protest activities." Any of the following:

9 (1) Loud and raucous noise which causes unreasonable
10 distress to the persons attending a commemorative service.

11 (2) Direct abusive epithets, display of visual images
12 that convey fighting words or any threatening gesture which
13 should be known or reasonably known to provoke a violent
14 reaction by another.

15 (3) Conduct intended to disturb or disrupt a
16 commemorative service.

17 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <—

18 § 8319. COMMEMORATIVE SERVICE PROTEST ACTION.

19 (A) CIVIL ACTION.--IN ADDITION TO ANY OTHER RIGHT OF ACTION
20 AND ANY OTHER REMEDY PROVIDED BY LAW, AN INDIVIDUAL AGGRIEVED BY
21 THE OFFENSE DEFINED IN 18 PA.C.S. § 7517 (RELATING TO
22 COMMEMORATIVE SERVICE PROTEST ACTIVITIES) MAY BRING A CIVIL
23 ACTION IN ANY COURT OF COMPETENT JURISDICTION TO OBTAIN
24 APPROPRIATE RELIEF.

25 (B) GENERAL RELIEF.--IN A CIVIL ACTION BROUGHT UNDER THIS
26 SECTION, THE AGGRIEVED INDIVIDUAL MAY RECOVER GENERAL AND
27 SPECIAL DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL DISTRESS,
28 PUNITIVE DAMAGES, REASONABLE ATTORNEY FEES AND OTHER COSTS
29 ASSOCIATED WITH THE LITIGATION, AND SUCH OTHER RELIEF THAT THE
30 COURT DEEMS NECESSARY AND PROPER.

1 (C) INJUNCTIVE RELIEF.--UPON A SHOWING OF CAUSE FOR THE
2 ISSUANCE OF INJUNCTIVE RELIEF, A COURT MAY ISSUE TEMPORARY
3 RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS AND PERMANENT
4 INJUNCTIONS AS MAY BE APPROPRIATE UNDER THIS SECTION. DURING ANY
5 PERIOD THAT AN ACTION UNDER THIS SECTION IS PENDING, A COURT MAY
6 ORDER THE CESSATION OF THE ACTIVITY FORMING THE BASIS OF THE
7 COMPLAINT.

8 Section 2 3. This act shall take effect in 60 days.

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