

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 14, 2006

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for offense of ~~protesting~~ DEMONSTRATING <—
4 at a commemorative service and for commemorative service
5 ~~protest~~ DEMONSTRATION action. <—

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

10 § 7517. Commemorative service ~~protest~~ DEMONSTRATION activities. <—

11 (a) Legislative intent.--The General Assembly finds and
12 declares that:

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

15 (2) The interests of families in privately and
16 peacefully mourning the loss of deceased relatives are
17 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~~ DEMONSTRATION <—
12 activities within 500 feet of any cemetery, mortuary, church or
13 other location being utilized for the purposes of a
14 commemorative service within one hour prior to, during and one
15 hour following the commemorative service.

16 (c) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Commemorative service." An event involving the gathering of
20 individuals who assemble:

21 (1) At a cemetery or other location during a ~~burial~~ THE <—
22 BURIAL, FUNERAL, CEREMONY or memorial service ~~for~~ OF a <—
23 specific deceased person, to mourn or honor the deceased
24 person or to pay respect to the family of the deceased
25 person.

26 (2) In a building during the viewing, VISITATION, <—
27 BURIAL, FUNERAL, CEREMONY or memorial service of a specific
28 deceased person, to mourn or honor the deceased person or to
29 pay respect to the family of the deceased person.

30 (3) To participate in a procession to a cemetery,

1 building or other location in which a viewing, burial <—
2 VISITATION, BURIAL, FUNERAL, CEREMONY or memorial service of <—
3 a specific deceased person is to be conducted, to mourn or
4 honor the deceased person or to pay respect to the family of
5 the deceased person.

6 "Protest activities." Any of the following: <—

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

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

13 (3) Conduct intended to disturb or disrupt a
14 commemorative service.

15 "DEMONSTRATION ACTIVITIES." ANY OF THE FOLLOWING: <—

16 (1) ANY PICKETING OR SIMILAR CONDUCT.

17 (2) ANY ORATION, SPEECH OR USE OF SOUND AMPLIFICATION
18 EQUIPMENT OR DEVICE OR SIMILAR CONDUCT THAT IS NOT PART OF A
19 COMMEMORATIVE SERVICE.

20 (3) THE DISPLAY OF ANY PLACARD, SIGN, BANNER, FLAG OR
21 SIMILAR DEVICE, UNLESS SUCH DISPLAY IS PART OF A
22 COMMEMORATIVE SERVICE.

23 (4) THE DISTRIBUTION OF ANY HANDBILL, PAMPHLET, LEAFLET
24 OR OTHER WRITTEN OR PRINTED MATTER, OTHER THAN A PROGRAM
25 DISTRIBUTED AS PART OF A COMMEMORATIVE SERVICE.

26 Section 2. Title 42 is amended by adding a section to read:

27 § ~~8319~~ 8320. Commemorative service protest DEMONSTRATION <—
28 action.

29 (a) Civil action.--In addition to any other right of action
30 and any other remedy provided by law, an individual aggrieved by

1 the offense defined in 18 Pa.C.S. § 7517 (relating to
2 commemorative service ~~protest~~ DEMONSTRATION activities) may
3 bring a civil action in any court of competent jurisdiction to
4 obtain appropriate relief.

5 (b) General relief.--In a civil action brought under this
6 section, the aggrieved individual may recover general and
7 special damages, including damages for emotional distress,
8 punitive damages, reasonable attorney fees and other costs
9 associated with the litigation, and such other relief that the
10 court deems necessary and proper.

11 (c) Injunctive relief.--Upon a showing of cause for the
12 issuance of injunctive relief, a court may issue temporary
13 restraining orders, preliminary injunctions and permanent
14 injunctions as may be appropriate under this section. During any
15 period that an action under this section is pending, a court may
16 order the cessation of the activity forming the basis of the
17 complaint.

18 Section 3. This act shall take effect in 60 days.