

HOUSE BILL NO. 234

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES THOMAS, Herron, Olson, Thompson, Miller, Feige, Chenault, Johnson, Peggy Wilson, Dick, Lynn, Saddler, Austerman, Pruitt, Gara, Stoltze, Muñoz, Hawker, Seaton, Fairclough, Tammie Wilson

SENATOR Menard

Introduced: 4/9/11

Referred: House Special Committee on Military and Veterans' Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to picketing or protests at a funeral."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS AND LEGISLATIVE INTENT. (a) The legislature finds that families
6 have a legitimate and legally cognizable interest in organizing and attending funerals for
7 deceased relatives, and that the rights of families to mourn the deaths of relatives peacefully
8 and privately are violated when funerals are targeted for picketing or other protest activities.
9 The legislature also finds that family members attending a funeral service are a captive
10 audience, and that it is very difficult for grieving family members to avoid picketing and
11 protest activities within 150 feet of the boundary of a cemetery, mortuary, church, or other
12 facility where a funeral is being held up to an hour before the beginning of a funeral and until
13 an hour after the conclusion of a funeral.

14 (b) The legislature also recognizes that individuals have a constitutional right to free
15 speech, and that, in the context of funeral ceremonies, the competing interests of picketers or

1 protesters and grieving family members must be balanced. Therefore, the legislature finds and
 2 intends that the purpose of AS 11.61.110(a)(8), as enacted by sec. 2 of this Act, is to protect
 3 the privacy of grieving families and to preserve the peaceful character of a cemetery,
 4 mortuary, church, or other facility designated as the scheduled location for the funeral of a
 5 deceased family member, while still providing picketers and protesters the opportunity to
 6 communicate their message at a time and place that minimizes interference with the rights of
 7 grieving family members of the deceased.

8 * **Sec. 2.** AS 11.61.110(a) is amended to read:

9 (a) A person commits the crime of disorderly conduct if,

10 (1) with intent to disturb the peace and privacy of another not
 11 physically on the same premises or with reckless disregard that the conduct is having
 12 that effect after being informed that it is having that effect, the person makes
 13 unreasonably loud noise;

14 (2) in a public place or in a private place of another without consent,
 15 and with intent to disturb the peace and privacy of another or with reckless disregard
 16 that the conduct is having that effect after being informed that it is having that effect,
 17 the person makes unreasonably loud noise;

18 (3) in a public place, when a crime has occurred, the person refuses to
 19 comply with a lawful order of a peace officer to disperse;

20 (4) in a private place, the person refuses to comply with an order of a
 21 peace officer to leave premises in which the person has neither a right of possession
 22 nor the express invitation to remain of a person having a right of possession;

23 (5) in a public or private place, the person challenges another to fight
 24 or engages in fighting other than in self-defense;

25 (6) the person recklessly creates a hazardous condition for others by an
 26 act which has no legal justification or excuse; [OR]

27 (7) the offender intentionally exposes the offender's buttock or anus to
 28 another with reckless disregard for the offensive or insulting effect the act may have
 29 on that person; **or**

30 **(8) the person knowingly engages in picketing with reckless**
 31 **disregard that the picketing occurs**

1 **(A) within 150 feet of the boundary of a cemetery,**
 2 **mortuary, church, or other facility; and**

3 **(B) while a funeral is occurring at the cemetery, mortuary,**
 4 **church, or other facility or during the 60-minute period**

5 **(i) before the start of the funeral; or**

6 **(ii) after the conclusion of the funeral.**

7 * **Sec. 3.** AS 11.61.110(b) is amended to read:

8 (b) **In** [AS USED IN] this section,

9 **(1) "funeral" means a ceremony or memorial service held in**
 10 **connection with the burial or cremation of a deceased person, but does not**
 11 **include a funeral procession on a public street or highway;**

12 **(2)** "noise" is "unreasonably loud" if, considering the nature and
 13 purpose of the defendant's conduct and the circumstances known to the defendant,
 14 including the nature of the location and the time of day or night, the conduct involves
 15 a gross deviation from the standard of conduct that a reasonable person would follow
 16 in the same situation; **"noise"** [. "NOISE"] does not include speech that is
 17 constitutionally protected;

18 **(3) "picketing" means protest activities, engaged in by a person,**
 19 **that disrupt or are undertaken to disturb a funeral.**