

A005-0708

10 **AN ACT CONCERNING**

20 Funerals and Interments - Restrictions on Demonstrations

30 FOR the purpose of protecting the sanctity of funerals and interments

40 BY adding to
50 Article –Criminal Law,
60 Title 3: Other crimes against the person;
70 Subtitle 9: Surveillance and Other Crimes Against Privacy
80 Annotated Code of Maryland

90 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the
100 laws of Maryland read as follows:

110 Article – Criminal Law
120 Title 4; Subtitle 9: Crimes Relating to Human Remains
130 § **3-908** Assembly disrupting funerary privacy

140 (a) *Legislative policy.*- The General Assembly declares that:

150 (1) the protection and privacy of funeral practices is imperative for the continued
160 enjoyment of safety and security for a community;

170 (2) the public health, welfare and the good order of the community require that members
180 of the community respect the graves of the deceased. It is imperative that the members of
190 the community be secure in the expectation that their deceased family, friends, or loved
200 ones will not be subject to abuse, nor the ceremonial practices surrounding it;

210 (3) the practice of picketing before or about funerals and burials causes emotional
220 disturbance and distress to those present to pay last respects;

230 (4) the purpose of this practice is to harass the relatives, neighbors, and other members of
240 the community;

250 (5) without resort to this practice, full opportunity exists, and under the provisions of this
260 article will continue to exist, for the exercise of freedom of speech and other
270 constitutional rights; and

280 (6) the provisions of this section are necessary in the public interest to avoid the
290 detrimental results described in this subsection.

300 (b) *Effect of section.*- This section does not prohibit:

310 (1) picketing or assembly in connection with a labor dispute, as defined in § 4-301 of the
320 Labor and Employment Article;

330 (2) holding a meeting or assembly on any premises commonly used for the discussion of
340 subjects of general public interest.

350 (c) *Prohibited – Assembling to disrupt funerary privacy.* - A person may not intentionally
360 assemble with another in a manner that disrupts a person's right to tranquility and privacy at
370 funerary events they are attending.

380 (d) *Penalty.*-

390 (1) A person who violates this section is guilty of a misdemeanor and on conviction is
400 subject to imprisonment not exceeding 90 days or a fine not exceeding \$1000 or both.

410 (2) Each day on which a violation of this section occurs is a separate violation.

420 (e) *Injunctive relief.*- In addition to the penalty provided in subsection (d) of this section, a circuit
430 court:

440 (1) may enjoin conduct proscribed by this section; and

450 (2) in the proceeding for injunctive relief, may award damages, including punitive
460 damages, against any person found guilty of violating this section.

470 **MANDATES:**

480 Martin O'Malley, Governor of Maryland
490 Anthony G. Brown, Lieutenant Governor of Maryland
500 Thomas V. Mike Miller, President of the Senate
510 Michael E. Busch, Speaker of the House of Delegates
520 Edward J. Kasemeyer, Senate Majority Leader
530 David R. Brinkley, Senate Minority Leader
540 Kumar P. Barve, House Majority Leader
550 Anthony J. O'Donnell, House Minority Leader

Sponsor:

Scott Besore
Tory Caucus Leader
Co-Delegation Chair Person
University of Maryland, Baltimore County