

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
160 IMPERATIVE FOR THE CONTINUED ENJOYMENT OF SAFETY AND SECURITY
170 FOR A COMMUNITY;

180 (2) THE PUBLIC HEALTH, WELFARE AND THE GOOD ORDER OF THE
190 COMMUNITY REQUIRE THAT MEMBERS OF THE COMMUNITY RESPECT THE
200 GRAVES OF THE DECEASED. IT IS IMPERATIVE THAT THE MEMBERS OF
200 THE COMMUNITY BE SECURE IN THE EXPECTATION THAT THEIR
210 DECEASED FAMILY, FRIENDS, OR LOVED ONES WILL NOT BE SUBJECT TO
220 ABUSE, NOR THE CEREMONIAL PRACTICES SURROUNDING IT;

230 (3) THE PRACTICE OF PICKETING BEFORE OR ABOUT FUNERALS AND
240 BURIALS CAUSES EMOTIONAL DISTURBANCE AND DISTRESS TO THOSE
250 PRESENT TO PAY LAST RESPECTS;

260 (4) THE PURPOSE OF THIS PRACTICE IS TO HARASS THE RELATIVES,
270 NEIGHBORS, AND OTHER MEMBERS OF THE COMMUNITY;

280 (5) WITHOUT RESORT TO THIS PRACTICE, FULL OPPORTUNITY EXISTS, AND
290 UNDER THE PROVISIONS OF THIS ARTICLE WILL CONTINUE TO EXIST, FOR
300 THE EXERCISE OF FREEDOM OF SPEECH AND OTHER CONSTITUTIONAL
310 RIGHTS; AND

320 (6) THE PROVISIONS OF THIS SECTION ARE NECESSARY IN THE PUBLIC
330 INTEREST TO AVOID THE DETRIMENTAL RESULTS DESCRIBED IN THIS
340 SUBSECTION.

350 (B) *EFFECT OF SECTION.*- THIS SECTION DOES NOT PROHIBIT:

360 (1) PICKETING OR ASSEMBLY IN CONNECTION WITH A LABOR DISPUTE, AS
370 DEFINED IN § 4-301 OF THE LABOR AND EMPLOYMENT ARTICLE;

380 (2) HOLDING A MEETING OR ASSEMBLY ON ANY PREMISES COMMONLY

390 USED FOR THE DISCUSSION OF SUBJECTS OF GENERAL PUBLIC INTEREST.

400 (C) *PROHIBITED – ASSEMBLING TO DISRUPT FUNERARY PRIVACY.* - A PERSON MAY
410 NOT INTENTIONALLY ASSEMBLE WITH ANOTHER IN A MANNER THAT PURPOSELY
420 DISRUPTS A PERSON'S RIGHT TO TRANQUILITY AND PRIVACY AT FUNERARY 430
EVENTS THEY
440 ARE ATTENDING.

450 (D) *PENALTY.*-

460 (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
470 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
480 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$1000 OR BOTH.

490 (2) EACH DAY ON WHICH A VIOLATION OF THIS SECTION OCCURS IS A
500 SEPARATE VIOLATION.

510 (E) *INJUNCTIVE RELIEF.*- IN ADDITION TO THE PENALTY PROVIDED IN
520 SUBSECTION (D) OF THIS SECTION, A CIRCUIT COURT:

530 (1) MAY ENJOIN CONDUCT PROSCRIBED BY THIS SECTION; AND

540 (2) IN THE PROCEEDING FOR INJUNCTIVE RELIEF, MAY AWARD DAMAGES,
550 INCLUDING PUNITIVE DAMAGES, AGAINST ANY PERSON FOUND GUILTY
560 OF VIOLATING THIS SECTION.

570 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1,
580 2009.

590 **MANDATES:** Martin O'Malley, Governor of Maryland
600 Anthony G. Brown, Lieutenant Governor of Maryland
610 Thomas V. Mike Miller, President of the Senate
620 Michael E. Busch, Speaker of the House of Delegates
630 Edward J. Kasemeyer, Senate Majority Leader
640 David R. Brinkley, Senate Minority Leader
650 Kumar P. Barve, House Majority Leader
660 Anthony J. O'Donnell, House Minority Leader

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