

1 State of Arkansas  
2 85th General Assembly  
3 First Extraordinary Session, 2006  
4

Call Item 26

# A Bill

HOUSE BILL 1006

5 By: Representatives Wood, Pate, D. Creekmore, McDaniel, Petrus, Wills, S. Prater, Elliott, Glidewell, R.  
6 Green, T. Hutchinson, M. Martin, Bright, Pyle, Rosenbaum, Sullivan, Walters, Wells, Wyatt, Berry,  
7 Bolin, Bond, Boyd, Bradford, Chesterfield, Clemons, Cook, Cooper, Dickinson, S. Dobbins, Dunn, D.  
8 Evans, L. Evans, Everett, George, J. Hutchinson, J. Johnson, Kidd, W. Lewellen, Medley, Nichols,  
9 Ormond, Rogers, Scroggin, Sumpter, Thompson, Abernathy, Adams, Anderson, Borhauer, Fite,  
10 Hardwick, Harris, Jeffrey, Kenney, Mack, Maloch, J. Martin, Matayo, Mathis, Maxwell, Norton,  
11 Overbey, Ragland, Roebuck, Sample, Jackson, Willis, Key, Goss, Schulte, Burris, Pritchard, Flowers,  
12 Davenport, Childers, Lamoureux, Blair, Edwards, Pace, Reep, Adcock, Saunders, Davis, Thyer, Rainey,  
13 Verkamp, Blount, Pickett, Hardy, Cowling  
14 By: Senators Salmon, Malone, Wilkinson, Trusty, Higginbothom, J. Jeffress, Altes, Broadway, G.  
15 Jeffress, Critcher, Baker, Capps, Glover, T. Smith, Whitaker, Lavery, B. Johnson, J. Taylor, Womack  
16  
17

## For An Act To Be Entitled

19 AN ACT TO ENSURE THAT GRIEVING FAMILIES ARE GIVEN  
20 AN OPPORTUNITY TO MOURN AT MILITARY AND OTHER  
21 FUNERALS, MEMORIAL SERVICES, AND BURIALS; TO  
22 CREATE THE OFFENSE OF VIOLATION OF THE PROTECTION  
23 OF PEACE FOR MOURNING AT FUNERALS; AND FOR OTHER  
24 PURPOSES.

## Subtitle

26 TO ENSURE THAT GRIEVING FAMILIES ARE  
27 GIVEN AN OPPORTUNITY TO MOURN AT  
28 MILITARY AND OTHER FUNERALS, MEMORIAL  
29 SERVICES, AND BURIALS.  
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32  
33 WHEREAS, the Eighty-Fifth General Assembly finds that when military  
34 service personnel have been killed in action or have died as a result of  
35 their service to our country, their families should be afforded some  
36 protections to ensure that they are able to grieve their loss in privacy and



1 peace; and

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3 WHEREAS, the Eighty-Fifth General Assembly finds that families of  
4 military service personnel and other families who have lost a loved one have  
5 a substantial interest in organizing and attending funerals, memorial  
6 services, wakes, visitations, and burials for deceased relatives with a  
7 deference to their privacy and peace; and

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9 WHEREAS, funerals, memorial services, wakes, visitations, and burials  
10 are intensely emotional times for the families of those who have died; and

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12 WHEREAS, the interests of families who are mourning the loss of  
13 deceased relatives are violated when military and other funerals, memorial  
14 services, wakes, visitations, or burials are targeted for picketing and other  
15 public demonstrations; and

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17 WHEREAS, the State of Arkansas has historically given deference to  
18 honoring those who have died and their grieving families and loved ones; and

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20 WHEREAS, the Eighty-Fifth General Assembly finds that it is imperative  
21 that grieving families, friends, and loved ones are given an adequate  
22 opportunity to mourn immediately before, during, and immediately after  
23 funerals, memorial services, wakes, visitations, and burials free from  
24 protesting and picketing; and

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26 WHEREAS, such a limited restriction strikes a balance between the  
27 exercise of freedom of speech and other constitutional rights while still  
28 affording families the right to mourn in peace,

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31 NOW THEREFORE,

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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34 SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2 is amended  
35 to add an additional section to read as follows:

36 5-71-230. Violation of the protection of peace for mourning at a

1 funeral.

2 (a) As used in this section:

3 (1)(A) "Funeral" means a ceremony or memorial service held in  
4 connection with the burial or cremation of a person who has died.

5 (B) "Funeral" does not include a procession related to the  
6 funeral; and

7 (2) "Picket" means to engage in the activity of protesting or  
8 demonstrating to target a funeral.

9 (b) A person commits the offense of violation of the protection of  
10 peace for mourning at a funeral if the person:

11 (1) Knowingly pickets a funeral;

12 (2) Intends to interfere with the funeral; and

13 (3) Pickets:

14 (A) Within one hundred fifty feet (150') of the funeral;  
15 and

16 (B)(i) During the funeral;

17 (ii) Within thirty (30) minutes immediately before  
18 the scheduled commencement of the funeral; or

19 (iii) Within thirty (30) minutes immediately  
20 following the completion of the funeral.

21 (c)(1) Violation of the protection of the peace for mourning at a  
22 funeral is a Class C misdemeanor.

23 (2) A person commits a separate offense for each funeral that  
24 the person pickets in violation of this section.

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26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
27 General Assembly of the State of Arkansas that when military service  
28 personnel have been killed in action or have died as a result to their  
29 service to our country, their families should be afforded some protection to  
30 ensure that they are able to grieve their loss in privacy and peace; that  
31 families of military personnel and other families who have lost a loved one  
32 have a substantial interest in organizing and attending funerals, memorial  
33 services, wakes, visitations, and burials for deceased relatives with a  
34 deference to their privacy and peace; and that this act is immediately  
35 necessary because it is imperative that grieving families of military  
36 personnel and other families who have lost a loved one are given an adequate

1 opportunity to mourn immediately before, during, and immediately after  
 2 funerals, memorial services, wakes, visitations, and burials free from  
 3 protesting and picketing and that such a limited restriction strikes a  
 4 balance between the exercise of freedom of speech and other constitutional  
 5 rights while still affording families the right to mourn in peace.  
 6 Therefore, an emergency is declared to exist and this act being immediately  
 7 necessary for the preservation of the public peace, health, and safety shall  
 8 become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,  
 11 the expiration of the period of time during which the Governor may veto the  
 12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is  
 14 overridden, the date the last house overrides the veto.

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