

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

Call Item 26

A Bill

SENATE BILL 9

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

2

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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