

**SENATE CS FOR HOUSE BILL NO. 234(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/11/12

Referred: Judiciary

Sponsor(s): 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

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to picketing 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. The legislature also finds  
9 that family members attending a funeral service are a captive audience, and that it is very  
10 difficult for grieving family members to avoid picketing within 150 feet of the boundary of a  
11 cemetery, mortuary, church, or other facility where a funeral is being held up to an hour  
12 before the beginning of a funeral and until an hour after the conclusion of a funeral.

13 (b) The legislature also recognizes that individuals have a constitutional right to free  
14 speech, and that, in the context of funeral ceremonies, the competing interests of picketers and  
15 grieving family members must be balanced. Therefore, the legislature finds and intends that

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

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

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

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

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

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

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

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

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

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

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

31 **(A) inside of a cemetery, mortuary, church, or other facility**

1 **or within 150 feet of that facility's outer boundary; and**

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

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

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

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

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

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

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

17 **(3) "picketing" means an act directed toward a funeral that**  
 18 **disrupts or disturbs that funeral.**