

HOUSE No. 03340

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act protecting the sanctity of funerals.

PETITION OF:

NAME:

James M. Cantwell

DISTRICT/ADDRESS:

4th Plymouth

HOUSE No. 03340

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell relative to public protests at funerals. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act protecting the sanctity of funerals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 42A of chapter 272, of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking the section in its entirety and replacing it with the
3 following thereof:-
4 Section 1. It shall be unlawful for any person to engage in picketing, loitering, or otherwise
5 create a disturbance within one thousand feet of a funeral home, church or temple, or other
6 building where funeral services are being held, within two hours prior to the commencement of
7 any funeral, and until two hours following the cessation of any funeral. Each day on which a
8 violation occurs shall constitute a separate offense. Violation of this section shall be punished by
9 a fine of not more than one thousand dollars or by imprisonment for not more than one year in a
10 house of correction, or both.

11 Section 2. For the purposes of this section, "funeral" means the ceremonies, processions, and
12 memorial services held in connection with the burial or cremation of the dead.

13 Section 3. For the purposes of this section, "Picketing of a funeral" means protest activities
14 engaged in by a person or persons located within one thousand feet of a cemetery, mortuary,
15 church, or other place of worship during a funeral.

16 Section 4. For any cause of action brought pursuant to actions which violate this section to
17 recover for emotional distress, the plaintiff shall not be required to prove physical manifestation
18 of such damage.

19 Section 5. The provisions of section 42A above are severable. If any part of section 42A is
20 declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions
21 of sections 42A shall remain and be in full force and effect.