

Regular Session, 2013

SENATE BILL NO. 72

BY SENATORS THOMPSON AND GUILLORY AND REPRESENTATIVE HENRY BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to disturbing the peace at funerals. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:103(A)(7) and (8) and (B)(2), and to enact R.S. 14:103(C),
3 relative to the crime of disturbing the peace; to provide relative to disturbing the
4 peace at funerals; to provide for definitions; to provide for penalties; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:103(A)(7) and (8) and (B)(2) are hereby amended and reenacted,
8 and R.S. 14:103(C) is hereby enacted, to read as follows:

9 §103. Disturbing the peace

10 A. Disturbing the peace is the doing of any of the following in such manner
11 as would foreseeably disturb or alarm the public:

12 * * *

13 (7) Intentionally engaging in any act or any utterance, gesture, or display
14 designed to disrupt a funeral, **funeral route**, ~~funeral home viewing~~, ~~funeral~~
15 ~~procession~~, ~~wake~~, ~~memorial service~~, or burial of a deceased person **during the**
16 **period beginning one hundred twenty minutes before and ending one hundred**
17 **twenty minutes after the funeral or burial, within three hundred feet of the**

funeral or burial.

(8)(a) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with **a funeral route.**

(b) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering, within five hundred feet, with access into or from any building or parking lot of a building in which a funeral, ~~wake, memorial service,~~ or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, ~~wake, memorial service,~~ or burial is being conducted, **during the period beginning one hundred twenty minutes before and ending one hundred twenty minutes after the funeral or burial.**

B.(1) * * *

(2) Whoever commits the crime of disturbing the peace as provided for in Paragraphs (A)(7) and (8) of this Section shall be fined not more than ~~one~~ **five** hundred dollars or imprisoned for not more than six months, or both.

C. Definitions. For purposes of Paragraphs (A)(7) and (8) of this Section:

(1) "Funeral" means a funeral, funeral home viewing, wake, or memorial service.

(2) "Funeral route" means the route of ingress or egress from the location of a funeral or burial, including thirty feet from the outer edge of the outside lane of the route.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Thompson (SB 72)

Present law provides that the crime of disturbing the peace includes intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person.

Proposed law deletes present law reference to a "funeral procession" and adds a prohibition to disrupting a "funeral route" and that such intentional act, utterance, gesture, or display must occur during the period beginning 120 minutes before and ending 120 minutes after the funeral or burial, and within 300 feet of the funeral or burial.

Proposed law otherwise retains present law.

Present law provides that the crime of disturbing the peace includes intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

Proposed law retains present law and adds a prohibition to blocking or interfering with a "funeral route" and adds that the blocking or interference with access into or from any building or parking lot of a building in which a funeral is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral or burial is being conducted, must occur during the period beginning 120 minutes before and ending 120 minutes after the funeral or burial and within 500 feet of the funeral or burial.

Proposed law defines "funeral" as a funeral, funeral home viewing, wake, or memorial service.

Proposed law defines "funeral route" as the route of ingress or egress from the location of a funeral or burial, including 30 feet from the outer edge of the outside lane of the route.

Present law provides that whoever commits the crime of disturbing the peace relative to a funeral or burial is to be fined up to \$100, or imprisoned for up to six months, or both.

Proposed law increases the maximum fine for disturbing the peace relative to a funeral or burial to \$500, and otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:103(A)(7) and (8) and (B)(2); adds R.S. 14:103(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Deletes reference to "funeral route" from proposed law relative to an intentional act blocking access within 300 feet of a funeral or burial.