

By: Representatives Reynolds, Cummings,
Moss, Watson, Robinson (84th), Lane, Moore,
Formby, Jennings

To: Judiciary A

HOUSE BILL NO. 1693

1 AN ACT PROHIBITING THE DISRUPTIVE PROTEST AND DESECRATION OF
2 A MILITARY FUNERAL, BURIAL SERVICE, OR MEMORIAL SERVICE; PROVIDING
3 PENALTIES AND CIVIL REMEDY FOR VIOLATIONS THEREOF; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) For purposes of this section, the following
7 terms shall have the following meanings:

8 (a) "Funeral ceremony" means a service or rite
9 commemorating the deceased with the body present.

10 (b) "Funeral service" means any services which may be
11 used to:

12 (i) Care for and prepare dead human bodies for
13 burial, cremation or other final disposition; and

14 (ii) Arrange, supervise, or conduct the funeral
15 ceremony or the final disposition of dead human bodies.

16 (c) "Graveside service" means a service or rite,
17 conducted at the place of interment, commemorating the deceased
18 with the body present.

19 (d) "Memorial service" means a ceremony or rite
20 commemorating the deceased without the body present.

21 (e) "Targeted residential picketing" includes the
22 following acts when committed on more than one (1) occasion:

23 (i) Marching, standing or patrolling by one or
24 more persons directed solely at a particular residential building
25 in a manner that adversely affects the safety, security or privacy
26 of an occupant of the building; or

27 (ii) Marching, standing or patrolling by one or
28 more persons which prevents an occupant of a residential building

29 from gaining access to or exiting from the property on which the
30 residential building is located.

31 (2) (a) Whoever does any of the following shall be guilty
32 of a misdemeanor:

33 (i) With intent to disrupt a funeral service,
34 graveside service, memorial service, or funeral ceremony, protests
35 or pickets within 1,000 feet of the location or locations at which
36 the service or ceremony is being conducted within one (1) hour
37 before, during, and one (1) hour following the service or
38 ceremony;

39 (ii) With intent to disrupt a funeral procession
40 impedes vehicles that are part of the funeral procession;

41 (iii) Intentionally blocks access to a funeral
42 service, funeral ceremony, graveside service or memorial service;
43 or

44 (iv) Engages in targeted residential picketing at
45 the home or domicile of any surviving member of the deceased
46 person's immediate family on the date of the service or ceremony,
47 and upon conviction thereof, shall be punished by a fine of not
48 more than Five Hundred Dollars (\$500.00), or by imprisonment in
49 the county jail for not more than six (6) months, or by both such
50 fine and imprisonment.

51 (b) Whoever is convicted of a second or subsequent
52 violation of paragraph (a) shall be guilty of a gross misdemeanor,
53 and upon conviction thereof, shall be punished by a fine of not
54 more than One Thousand Dollars (\$1,000.00), or by imprisonment in
55 the county jail for not more than one (1) year, or by both such
56 fine and imprisonment. For purposes of this paragraph, a second
57 or subsequent violation includes a violation of a statute from
58 another state in conformity with this statute.

59 (3) In addition to the criminal penalties provided in
60 subsection (2) of this section, the court may enjoin conduct
61 prohibited in subsection (2) of this section, and may in such

62 proceeding award damages, including attorney fees or other
63 appropriate relief against a person, if there is credible evidence
64 that the person has violated, or is likely to violate, subsection
65 (2) of this section. Any surviving member of the deceased
66 person's immediate family who is damaged or threatened with loss
67 or injury by reason of a violation described in subsection (2) of
68 this section is entitled to sue for and have injunctive relief and
69 appropriate remedial compensation in any court of competent
70 jurisdiction against any damage or threatened loss or injury by
71 reason of a violation thereof.

72 **SECTION 2.** Section 1 of this act shall be codified within
73 Chapter 35, Title 97, Mississippi Code of 1972.

74 **SECTION 3.** This act shall take effect and be in force from
75 and after July 1, 2006.