

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

To: Judiciary A

HOUSE BILL NO. 1693
(As Passed the House)

1 AN ACT PROHIBITING THE DISRUPTIVE PROTEST AND DESECRATION OF
2 A MILITARY FUNERAL, BURIAL SERVICE, OR MEMORIAL SERVICE, AND
3 PROVIDING PENALTIES AND CIVIL REMEDY FOR VIOLATIONS THEREOF; TO
4 REQUIRE ANY PERSON WHO WISHES TO DISPLAY THE NAME OR IMAGE OF ANY
5 MEMBER OF THE ARMED FORCES WHO WAS KILLED ON ACTIVE DUTY TO FIRST
6 OBTAIN THE WRITTEN CONSENT FROM THE FAMILY OF THE DECEASED; AND
7 FOR RELATED PURPOSES.

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

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

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

13 (b) "Funeral service" means any services which may be
14 used to:

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

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

19 (c) "Graveside service" means a service or rite,
20 conducted at the place of interment, commemorating the deceased
21 with the body present.

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

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

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

30 (ii) Marching, standing or patrolling by one or
31 more persons which prevents an occupant of a residential building
32 from gaining access to or exiting from the property on which the
33 residential building is located.

34 (2) (a) Whoever does any of the following shall be guilty
35 of a misdemeanor:

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

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

44 (iii) Intentionally blocks access to a funeral
45 service, funeral ceremony, graveside service or memorial service;
46 or

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

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

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

75 **SECTION 2.** Any person or group that wishes to display on
76 signs, goods or clothing the name or image of any member of the
77 United States Armed Forces who was killed while on active duty
78 shall first obtain the written consent for that display from the
79 family of the deceased.

80 **SECTION 3.** Section 1 of this act shall be codified within
81 Chapter 35, Title 97, Mississippi Code of 1972.

82 **SECTION 4.** This act shall take effect and be in force from
83 and after July 1, 2006.