

House Bill 3443

Sponsored by Representative WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person from intentionally making or assisting in making noise or diversion that disturbs or disrupts funeral, memorial service, wake, burial, cremation or other function or ceremony held at cemetery or other place ordinarily used for or dedicated to remembering or honoring deceased persons. Prescribes conditions for application of prohibition. Punishes violation by up to one year's imprisonment, \$6,250 fine, or both.

Takes effect only if House Joint Resolution 52 (2007) is approved by people at special election held on same date as next primary election.

A BILL FOR AN ACT

1
2 Relating to ceremonies for deceased persons; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A person may not intentionally make or assist in making a noise or di-**
5 **version that tends to disturb or disrupt the peace or good order of a funeral, memorial ser-**
6 **vice, wake, burial, cremation or other function or ceremony held at a cemetery or other**
7 **location ordinarily used for or dedicated to remembering or honoring a deceased person if**
8 **the noise or diversion is not part of or directly related to the function or ceremony and:**

9 (a) Occurs between 60 minutes before the beginning of the function or ceremony and 60
10 minutes after the conclusion of the function or ceremony;

11 (b) Occurs inside the cemetery or other location in which the function or ceremony takes
12 place or within 300 feet of the property line of the cemetery or other location;

13 (c) Occurs within 150 feet of the point of intersection between the property line of the
14 cemetery or other location in which the function or ceremony takes place and a road, path-
15 way or other route that enters into or exits from the cemetery or other location; or

16 (d) Impedes access into or egress from the cemetery or other location at which the
17 function or ceremony takes place.

18 (2) For purposes of this section, "noise or diversion" means:

19 (a) Picketing or similar conduct;

20 (b) Speeches, orations, use of sound amplification equipment or similar conduct when the
21 conduct is not part of a function or ceremony described in subsection (1) of this section;

22 (c) Displays of placards, banners, flags, signals or related devices when the displays are
23 not part of a function or ceremony described in subsection (1) of this section; or

24 (d) Distribution of a handbill, pamphlet, leaflet or other written or printed material when
25 the distribution is not part of a function or ceremony described in subsection (1) of this
26 section.

27 (3) Violation of this section is a Class A misdemeanor.

28 **SECTION 2. This 2007 Act does not take effect unless the amendment to the Oregon**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **Constitution proposed by House Joint Resolution 52 (2007) is approved by the people at a**
2 **special election held throughout this state on the same date as the next primary election.**
3 **This 2007 Act takes effect on the effective date of that constitutional amendment.**

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