

House Joint Resolution 52

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**.

Proposes amendment to Oregon Constitution related to preventing disturbances at or disruptions to funeral, memorial service, burial or other ceremony held at cemetery or other place ordinarily used for or dedicated to remembering or honoring deceased persons.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

JOINT RESOLUTION

Whereas the President of the United States in 2006 signed the Respect for America's Fallen Heroes Act (P.L. 109-228), which prohibits certain demonstrations at military cemeteries; and

Whereas families have a substantial interest in organizing and attending funerals, memorial services, wakes, visitations, processions, burials, cremations and similar functions and ceremonies for deceased relatives; and

Whereas Oregonians have tremendous gratitude for the courage of members of the Armed Forces and first responders; and

Whereas the thoughts and prayers of a grateful state are with the families of the deceased; and

Whereas the interests of families in private and public functions and ceremonies to honor and remember deceased relatives are violated when funerals and memorial services are targeted for picketing and demonstrations; and

Whereas picketing and demonstrations at such functions and ceremonies cause emotional distress to grieving families; and

Whereas the Seventy-fourth Legislative Assembly finds that it is imperative that grieving families, friends and loved ones have an adequate opportunity, free from protests and picketing, to mourn at such functions and ceremonies; and

Whereas restricting picketing and demonstrations immediately before, during and immediately after funerals, memorial services, wakes, visitations, burials and cremations strikes a proper balance between the privacy rights of families, friends and loved ones and the exercise of freedom of speech and other constitutional rights; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 12 to be added to and made a part of Article XV, such section to read:

SECTION 12. The Legislative Assembly or the people by initiative may enact laws to prevent disturbances at or disruptions to a funeral, memorial service, wake, burial, cremation or other ceremony held at a cemetery or other place ordinarily used for or dedicated to remembering or honoring a deceased person.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the

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 **people for their approval or rejection at a special election held throughout this state on the**
2 **same date as the next primary election.**

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