

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	3/3, 4/14, 4/19

WHAT THE MEASURE DOES: Allows person to reserve with a city or county all or part of the public real property within 400 feet of the property on which a funeral service is to be conducted. Directs cities and counties to enter into arrangements with funeral service practitioners that allow practitioners to take reservations and collect fee. Allows the person making reservation to exclude from the area any person who is not invited. Makes it a Class B misdemeanor to refuse to leave a reserved area when requested. Makes it a Class A misdemeanor to disrupt a funeral service within 1,000 feet of the property on which a service is conducted.

ISSUES DISCUSSED:

- Possible impact on Patriot Guard Riders
- Content-based discrimination
- Time, place, and manner restrictions
- Size of buffer zone
- Definition of “disruptive”
- Differences in Oregon’s Constitution and the U.S. Constitution regarding free speech rights
- Existing Oregon statute addressing harassment
- Court challenges won by Westboro Baptist Church

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: Fred Phelps and other members of the Westboro Baptist Church have picketed military funerals across the county to draw attention to their belief that U.S. soldiers are dying in Afghanistan and Iraq because God is angry that homosexuality is tolerated in the United States. Members of the Westboro Baptist Church were in Oregon to picket a soldier’s funeral in Hood River in 2006. The Patriot Guard Riders assembled at the funeral to physically shield the mourners from the activities of the church members.

Punishments for a Class A misdemeanor are as much as a one-year imprisonment and \$6,250 fine. For a Class B misdemeanor, punishments are as much as a six-month imprisonment and \$2,500 fine.