

A-Engrossed
House Bill 3241

Ordered by the House April 25
Including House Amendments dated April 25

Sponsored by Representatives SHEEHAN, WEIDNER; Representatives BARKER, BARNHART, BENTZ, BERGER, BEYER, BOONE, BREWER, BUCKLEY, CONGER, DEMBROW, DOHERTY, ESQUIVEL, FREEMAN, GARRETT, GILLIAM, HARKER, HUFFMAN, HUNT, JENSON, JOHNSON, KENNEMER, KOMP, KRIEGER, LINDSAY, MATTHEWS, MCLANE, NATHANSON, PARRISH, READ, SCHAUFLEER, THATCHER, THOMPSON, TOMEI, WHISNANT, WINGARD, WITT, Senator EDWARDS

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.

[Prohibits picketing of funeral service, burial service or other memorial service and engaging in activities that are disruptive of funeral service, burial service or other memorial service within 300 feet of property line of residence, cemetery, funeral home, church, synagogue or other establishment where service is conducted. Provides that prohibition applies to activities within one hour before service is conducted, during service and within one hour after service is conducted.]

[Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.]

Establishes process through which person may obtain reservation through city or county to conduct funeral service on public property. Specifies that person who refuses to leave reserved area after having been requested to do so by holder of reservation commits crime. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.

Creates crime of disrupting funeral service for person who, with intent, commits certain acts within 1,000 feet of real property on which service is being conducted. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

Relating to memorial services for deceased persons.

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

SECTION 1. (1) Any person proposing to conduct a funeral service may reserve all or part of the public real property within 400 feet of the property on which the service is to be conducted for the purpose of processions, displays, presentations and other activities in memory of the deceased person. A reservation may be made under this section for more than one place where services will be conducted for a deceased person.

(2) If a funeral service is conducted within the boundaries of a city, a reservation under this section must be made with the city. If a funeral service is conducted at a place that is not within the boundaries of a city, a reservation under this section must be made with the county. Cities and counties shall enter into arrangements with funeral service practitioners that will allow funeral service practitioners to take reservations and collect any fee. The arrangements shall provide for notification by a funeral service practitioner to the city or county of the area reserved under this section.

(3) If a city or county imposes any fee for a reservation under this section, the city or county shall provide for waiver or reduction of the fee for funeral services conducted for decedents who served in the Armed Forces.

(4) Except as provided in subsection (5) of this section, a person who has reserved real

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 **property under this section may exclude from the area identified in the reservation, during**
2 **the time specified in the reservation, any person who is not invited by the person for the**
3 **purpose of activities in memory of the deceased person.**

4 **(5) A reservation made under this section does not authorize:**

5 **(a) Restrictions on normal transit through the specified area by pedestrians and by au-**
6 **tomobiles, buses and other means of transportation; or**

7 **(b) Restrictions on access to private property through the specified area.**

8 **(6) Any person who refuses to leave a reserved area after having been requested to do**
9 **so by the person holding a reservation made under this section commits a Class B**
10 **misdemeanor.**

11 **(7) As used in this section, “funeral service” means a burial or other memorial service**
12 **for a deceased person that is conducted in a residence, cemetery, funeral home, church,**
13 **synagogue, mosque or other similar location.**

14 **SECTION 2. Section 3 of this 2011 Act is added to and made a part of ORS 166.005 to**
15 **166.095.**

16 **SECTION 3. (1) A person commits the crime of disrupting a funeral service if, with intent**
17 **to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof and**
18 **knowing that a funeral service is being conducted, the person, within 1,000 feet of the real**
19 **property on which the service is being conducted:**

20 **(a) Engages in fighting or in violent, tumultuous or threatening behavior;**

21 **(b) Makes unreasonable noise;**

22 **(c) Disturbs any lawful assembly of persons without lawful authority;**

23 **(d) Obstructs vehicular or pedestrian traffic on a public way; or**

24 **(e) Creates a hazardous or physically offensive condition by any act that the person is**
25 **not licensed or privileged to do.**

26 **(2) Disrupting a funeral service is a Class A misdemeanor.**

27 **(3) As used in this section, “funeral service” means a burial or other memorial service**
28 **for a deceased person that is conducted in a residence, cemetery, funeral home, church,**
29 **synagogue, mosque or other similar location.**

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