

CHAPTER 50**(SB 93)**

AN ACT relating to crimes and punishments and declaring an emergency.

WHEREAS, certain despicable individuals have been disrupting the funerals of soldiers who died while serving in the United States Armed Forces; and

WHEREAS, these disruptions have taken such forms as shouting insults at the parents of the fallen; and

WHEREAS, the military dead and their families deserve respect and compassion; and

WHEREAS, all mourners should be left in peace;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

(1) *A person is guilty of disorderly conduct in the first degree when he or she:*

(a) *In a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof:*

1. *Engages in fighting or in violent, tumultuous, or threatening behavior;*

2. *Makes unreasonable noise; or*

3. *Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; and*

(b) *Acts in a way described in paragraph (a) of this subsection within three hundred (300) feet of a:*

1. *Cemetery during a funeral or burial;*

2. *Funeral home during the viewing of a deceased person;*

3. *Funeral procession; or*

4. *Funeral or memorial service; and*

(c) *Knows that he or she is within three hundred (300) feet of an occasion described in paragraph (b) of this subsection.*

(2) *Disorderly conduct in the first degree is a Class A misdemeanor.*

Section 2. KRS 525.060 is amended to read as follows:

(1) A person is guilty of disorderly conduct *in the second degree* when in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof, he:

(a) Engages in fighting or in violent, tumultuous, or threatening behavior;~~[-or]~~

(b) Makes unreasonable noise;~~[-or]~~

(c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or

(d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(2) Disorderly conduct *in the second degree* is a Class B misdemeanor.

SECTION 3. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

(1) *A person is guilty of disrupting meetings and processions in the first degree when, with intent to prevent or disrupt a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group attending the occasion.*

(2) ***Disrupting meetings and processions in the first degree is a Class A misdemeanor.***

Section 4. KRS 525.150 is amended to read as follows:

- (1) A person is guilty of disrupting meetings and processions ***in the second degree*** when, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he ***or she*** does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group.
- (2) Disrupting meetings and processions ***in the second degree*** is a Class B misdemeanor.

SECTION 5. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO READ AS FOLLOWS:

- (1) ***A person is guilty of interference with a funeral when he or she at any time on any day:***
- (a) ***Blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted;***
- (b) ***Congregates, pickets, patrols, demonstrates, or enters on that portion of a public right-of-way or private property that is within three hundred (300) feet of an event specified in paragraph (a) of this subsection; or***
- (c) ***Without authorization from the family of the deceased or person conducting the service, during a funeral, wake, memorial service, or burial:***
1. ***Sings, chants, whistles, shouts, yells, or uses a bullhorn, auto horn, sound amplification equipment, or other sounds or images observable to or within earshot of participants in the funeral, wake, memorial service, or burial; or***
 2. ***Distributes literature or any other item.***
- (2) ***Interference with a funeral is a Class B misdemeanor.***

Section 6. Whereas there is a disgraceful nationwide campaign to disrupt military funerals, and whereas this campaign may enter Kentucky at any time, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 27, 2006.