

No. 2006-63

AN ACT

SB 1150

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for offense of demonstrating at a commemorative service and for commemorative service demonstration action.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7517. *Commemorative service demonstration activities.*

(a) *Legislative intent.—The General Assembly finds and declares that:*

(1) *Families have a substantial interest in organizing and attending commemorative services for deceased relatives.*

(2) *The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when commemorative services are targeted for picketing and other public demonstrations.*

(3) *Picketing of commemorative services causes emotional disturbance and distress to grieving families who participate in commemorative services.*

(4) *Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one hour prior to, during and one hour following the commemorative services.*

(b) *Offense defined.—A person commits a misdemeanor of the third degree if the person engages in demonstration activities within 500 feet of any cemetery, mortuary, church or other location being utilized for the purposes of a commemorative service within one hour prior to, during and one hour following the commemorative service.*

(c) *Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

“Commemorative service.” An event involving the gathering of individuals who assemble:

(1) *At a cemetery or other location during the burial, funeral, ceremony or memorial service of a specific deceased person to mourn or honor the deceased person or to pay respect to the family of the deceased person.*

(2) *In a building during the viewing, visitation, burial, funeral, ceremony or memorial service of a specific deceased person to mourn or honor the deceased person or to pay respect to the family of the deceased person.*

(3) To participate in a procession to a cemetery, building or other location in which a viewing, visitation, burial, funeral, ceremony or memorial service of a specific deceased person is to be conducted to mourn or honor the deceased person or to pay respect to the family of the deceased person.

“Demonstration activities.” Any of the following:

- (1) Any picketing or similar conduct.*
- (2) Any oration, speech or use of sound amplification equipment or device or similar conduct that is not part of a commemorative service.*
- (3) The display of any placard, sign, banner, flag or similar device, unless such display is part of a commemorative service.*
- (4) The distribution of any handbill, pamphlet, leaflet or other written or printed matter, other than a program distributed as part of a commemorative service.*

Section 2. Title 42 is amended by adding a section to read:

§ 8320. Commemorative service demonstration action.

(a) Civil action.—In addition to any other right of action and any other remedy provided by law, an individual aggrieved by the offense defined in 18 Pa.C.S. § 7517 (relating to commemorative service demonstration activities) may bring a civil action in any court of competent jurisdiction to obtain appropriate relief.

(b) General relief.—In a civil action brought under this section, the aggrieved individual may recover general and special damages, including damages for emotional distress, punitive damages, reasonable attorney fees and other costs associated with the litigation, and such other relief that the court deems necessary and proper.

(c) Injunctive relief.—Upon a showing of cause for the issuance of injunctive relief, a court may issue temporary restraining orders, preliminary injunctions and permanent injunctions as may be appropriate under this section. During any period that an action under this section is pending, a court may order the cessation of the activity forming the basis of the complaint.

Section 3. This act shall take effect in 60 days.

APPROVED—The 30th day of June, A.D. 2006.

EDWARD G. RENDELL