

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 3144**

4 (By Delegates Butcher, Paxton, Manchin, Stowers,
5 Hall, R. Phillips, L. Phillips, Longstreth,
6 Iaquina, Rodighiero and Perdue)

7 (Originating in the Committee on the Judiciary)

8 [February 25, 2011]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-8-15, relating to
12 creating a criminal offense and adding misdemeanor criminal
13 penalties for picketing or disrupting funerals or memorial
14 services.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §61-8-15, to read as
18 follows:

19 **ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

20 **§61-8-15. Prohibition on certain demonstrations at funerals.**

21 (a) No person may carry out, with respect to any cemetery or
22 building at which a funeral or memorial service or ceremony is to
23 be held, a demonstration within 500 feet of the cemetery or
24 building that:

25 (1) is conducted during the period beginning 60 minutes before
26 and ending 60 minutes after the funeral or memorial service or

1 ceremony is held; and

2 (2) includes, as a part of such demonstration, any individual
3 willfully making or assisting in the making of any noise or
4 diversion that disturbs or tends to disturb the peace or good order
5 of the funeral or memorial service or ceremony.

6 (b) For purposes of this section, the term "demonstration"
7 includes the following:

8 (1) Any picketing or similar conduct.

9 (2) Any oration, speech, use of sound amplification equipment
10 or device, or similar conduct before an assembled group of people
11 that is not part of a funeral or memorial service or ceremony.

12 (3) The display of any placard, banner, flag, or similar
13 device, unless such a display is part of a funeral or memorial
14 service or ceremony.

15 (4) The distribution of any handbill, pamphlet, leaflet, or
16 other written or printed matter other than a program distributed as
17 part of a funeral or memorial service or ceremony.

18 (c) Any person who violates the provisions of subsection (a)
19 is guilty of a misdemeanor and, upon conviction thereof, shall be
20 confined in jail for an indeterminate sentence of not more than one
21 year and fined not less than \$200 nor more than \$500.