

COMMITTEE SUBSTITUTE

FOR

H. B. 3144

(BY DELEGATES BUTCHER, PAXTON, MANCHIN, STOWERS,
HALL, R. PHILLIPS, L. PHILLIPS, LONGSTRETH,
IAQUINTA, RODIGHIERO AND PERDUE)

(Originating in the Committee on the Judiciary)
[February 25, 2011]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

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

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

5 (1) is conducted during the period beginning 60 minutes
6 before and ending 60 minutes after the funeral or memorial
7 service or ceremony is held; and

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

13 (b) For purposes of this section, the term “demonstration”
14 includes the following:

15 (1) Any picketing or similar conduct.

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

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

23 (4) The distribution of any handbill, pamphlet, leaflet, or
24 other written or printed matter other than a program
25 distributed as part of a funeral or memorial service or
26 ceremony.

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