

1 SB239
2 126782-6
3 By Senator Dial
4 RFD: Judiciary
5 First Read: 08-FEB-12

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of disrupting a funeral or memorial service
10 if the person engages in a protest within 500 feet
11 of the entrance to a funeral facility or church
12 within 60 minutes before or during a funeral
13 service.

14 This bill would provide that a person would
15 be guilty of the offense if a protest is within
16 1,000 feet of the funeral facility.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 13A-11-17 of the Code of Alabama
16 1975, providing the offense of disrupting a funeral or
17 memorial service, to increase the distance within which a
18 protest is prohibited subject to existing penalties; and in
19 connection therewith would have as its purpose or effect the
20 requirement of a new or increased expenditure of local funds
21 within the meaning of Amendment 621 of the Constitution of
22 Alabama of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 13A-11-17 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§13A-11-17.

2 "(a) A person commits the crime of disrupting a
3 funeral or memorial service if, during the 60 minutes
4 immediately preceding a funeral or memorial service that has a
5 scheduled starting time, during the funeral or memorial
6 service, or immediately following the funeral or memorial
7 service, the person does any of the following with the
8 intention of disrupting the funeral or memorial service:

9 "(1) Engages in a protest, including, but not
10 limited to, protest with or without using an electric sound
11 amplification device, that involves singing, chanting,
12 whistling, yelling, or honking a motor vehicle horn within ~~500~~
13 1,000 feet of the entrance to a facility being used for a
14 funeral or memorial service.

15 "(2) Blocks access to a facility being used for the
16 service.

17 "(3) Impedes vehicles that he or she knows are part
18 of the procession.

19 "(b) For purposes of this section, the term
20 "facility" includes a funeral home, church, or cemetery in
21 which the funeral or memorial service takes place.

22 "(c) A violation of subsection (a) is a Class A
23 misdemeanor for the first conviction and a Class C felony for
24 each subsequent conviction."

25 Section 2. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.