

1 SB160  
2 126782-1  
3 By Senator Dial  
4 RFD: Judiciary  
5 First Read: 08-MAR-11

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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 property line of the funeral  
17 facility.

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

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

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

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
15

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

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 13A-11-17 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§13A-11-17.

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

11           "(1) Engages in a protest, including, but not  
12 limited to, protest with or without using an electric sound  
13 amplification device, that involves singing, chanting,  
14 whistling, yelling, or honking a motor vehicle horn within ~~500~~  
15 1,000 feet of the ~~entrance to~~ property line of a facility  
16 being used for a funeral or memorial service.

17           "(2) Blocks access to a facility being used for the  
18 service.

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

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

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

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621, now  
5                   appearing as Section 111.05 of the Official Recompilation of  
6                   the Constitution of Alabama of 1901, as amended, because the  
7                   bill defines a new crime or amends the definition of an  
8                   existing crime.

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