

1 HB238  
2 126782-6  
3 By Representative Bridges  
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.