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2   **Senate Bill No. 364**

3   (By Senators Fanning, Jenkins, Chafin and Minard)

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5   [Introduced February 2, 2011; referred to the Committee on the

6   Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by

11   adding thereto a new section, designated §61-6-15, relating to

12   crimes against the peace; unlawful protest activities that

13   disturb or disrupt a funeral or burial service; and criminal

14   penalties.

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 §61-6-15, to read as

18 follows:

19 **ARTICLE 6. CRIMES AGAINST THE PEACE.**

20 **§61-6-15. Unlawful protest activities disturbing or disrupting a**

21   **funeral or burial service; penalty.**

22   (a) No person may picket or engage in other protest activities

23 and an association or corporation may not cause picketing or other

24 protest activities to occur within three hundred feet of the

1 property line of any residence, cemetery, funeral home, church,

2 synagogue or other establishment during or within one hour before

3 or one hour after the conducting of a funeral or burial service at

4 that place.

5   (b) For the purpose of this section, "other protest

6 activities" means any action that is disruptive or that is

7 undertaken to disrupt or disturb a funeral or burial service.

8   (c) Any person who violates the provisions of this section is

9 guilty of a misdemeanor and, upon conviction for the first offense

10 thereof, shall be fined not more than $1,000, or confined in jail

11 not more than thirty days, or both fined and confined. Upon a

12 second or subsequent conviction, any such person shall be fined not

13 more than $5,000, or confined in jail not more than one year, or

14 both fined and confined.

NOTE: The purpose of this bill is to provide that unlawful protest activities that disturb or disrupt a funeral or burial service are crimes against the peace. The bill provides misdemeanor criminal penalties.

This section is new; therefore, strike-throughs and underscoring have been omitted.