S T A T E O F N E W Y O R K

491

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to offenses against public order

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature has determined that certain despicable individuals have been disrupting the funerals of soldiers who died while serving in the United States Armed Forces and that these disruptions have taken such forms as shouting insults at the parents of the fallen. The legislature has further determined that the deceased members of the military and their families deserve respect and compassion and that all mourners should be left in peace.

S 2. The penal law is amended by adding four new sections 240.22, 240.23, 240.24 and 240.24-a to read as follows:

S 240.22 DISORDERLY CONDUCT IN THE FIRST DEGREE.

A PERSON IS GUILTY OF DISORDERLY CONDUCT IN THE FIRST DEGREE WHEN HE OR SHE:

1. IN A PUBLIC PLACE AND WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE, OR ALARM, OR WANTONLY CREATING A RISK THEREOF:

(A) ENGAGES IN FIGHTING OR IN VIOLENT, TUMULTUOUS, OR THREATENING BEHAVIOR;

(B) MAKES UNREASONABLE NOISE; OR

(C) CREATES A HAZARDOUS OR PHYSICALLY OFFENSIVE CONDITION BY ANY ACT THAT SERVES NO LEGITIMATE PURPOSE; AND

2. ACTS IN A WAY DESCRIBED IN SUBDIVISION ONE OF THIS SECTION WITHIN THREE HUNDRED FEET OF A:

(A) CEMETERY DURING A FUNERAL OR BURIAL;

(B) FUNERAL HOME DURING THE VIEWING OF A DECEASED PERSON;

(C) FUNERAL PROCESSION; OR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(D) BUILDING IN WHICH A FUNERAL OR MEMORIAL SERVICE IS BEING CONDUCTED; AND

3. KNOWS THAT HE OR SHE IS WITHIN THREE HUNDRED FEET OF ANY AREA DESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

DISORDERLY CONDUCT IN THE FIRST DEGREE IS A CLASS A MISDEMEANOR.

S 240.23 DISORDERLY CONDUCT IN THE SECOND DEGREE.

A PERSON IS GUILTY OF DISORDERLY CONDUCT IN THE SECOND DEGREE WHEN IN A PUBLIC PLACE AND WITH INTENT TO CAUSE PUBLIC INCONVENIENCE, ANNOYANCE, OR ALARM, OR WANTONLY CREATING A RISK THEREOF, HE OR SHE:

1. ENGAGES IN FIGHTING OR IN VIOLENT, TUMULTUOUS, OR THREATENING BEHAVIOR;

2. MAKES UNREASONABLE NOISE;

3. REFUSES TO OBEY AN OFFICIAL ORDER TO DISPERSE ISSUED TO MAINTAIN PUBLIC SAFETY IN DANGEROUS PROXIMITY TO A FIRE, HAZARD, OR OTHER EMERGENCY; OR

4. CREATES A HAZARDOUS OR PHYSICALLY OFFENSIVE CONDITION BY ANY ACT THAT SERVES NO LEGITIMATE PURPOSE.

DISORDERLY CONDUCT IN THE SECOND DEGREE IS A CLASS B MISDEMEANOR.

S 240.24 DISRUPTION OF MEETINGS AND PROCESSIONS IN THE FIRST DEGREE.

A PERSON IS GUILTY OF DISRUPTION OF MEETINGS AND PROCESSIONS IN THE FIRST DEGREE WHEN, WITH INTENT TO PREVENT OR DISRUPT A FUNERAL OR BURIAL, FUNERAL HOME VIEWING OF A DECEASED PERSON, FUNERAL PROCESSION, OR FUNERAL OR MEMORIAL SERVICE FOR A DECEASED PERSON, HE OR SHE DOES ANY ACT TENDING TO OBSTRUCT OR INTERFERE WITH IT PHYSICALLY OR MAKES ANY UTTERANCE, GESTURE, OR DISPLAY DESIGNED TO OUTRAGE THE SENSIBILITIES OF THE GROUP ATTENDING THE OCCASION.

DISRUPTION OF MEETINGS AND PROCESSIONS IN THE FIRST DEGREE IS A CLASS A MISDEMEANOR.

S 240.24-A DISRUPTION OF MEETINGS AND PROCESSIONS IN THE SECOND DEGREE.

A PERSON IS GUILTY OF DISRUPTION OF MEETINGS AND PROCESSIONS IN THE SECOND DEGREE WHEN, WITH INTENT TO PREVENT OR DISRUPT A LAWFUL MEETING, PROCESSION, OR GATHERING, HE OR SHE DOES ANY ACT TENDING TO OBSTRUCT OR INTERFERE WITH IT PHYSICALLY OR MAKES ANY UTTERANCE, GESTURE, OR DISPLAY DESIGNED TO OUTRAGE THE SENSIBILITIES OF THE GROUP.

DISRUPTION OF MEETINGS AND PROCESSIONS IN THE SECOND DEGREE IS A CLASS B MISDEMEANOR.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.