

11078

I N A S S E M B L Y

May 13, 2010

Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to protests conducted  
near bereavement services

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

1 Section 1. The public health law is amended by adding a new section  
2 3444 to read as follows:

3 S 3444. BEREAVEMENT SERVICES; PROTESTS. 1. FOR PURPOSES OF THIS  
4 SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) "PROTEST" SHALL MEAN A PUBLIC EXPRESSION OR DECLARATION OF  
6 OBJECTION, DISAPPROVAL, OR DISSENT BY A PERSON OR GROUP; AND

7 (B) "BEREAVEMENT SERVICE" SHALL MEAN A FUNERAL, WAKE OR ANY OTHER  
8 SERVICE HELD TO HONOR THE DEATH OF A PERSON.

9 2. NO PERSON SHALL PROTEST WITHIN ANY BUILDING WHERE A BEREAVEMENT  
10 SERVICE IS BEING HELD, OR WITHIN ONE THOUSAND FEET OF SUCH BUILDING IN  
11 ANY PUBLIC STREET, OR WITHIN SUCH DISTANCE IN ANY PLACE IN A PUBLIC  
12 MANNER AND NO BANNER, POSTER OR PLACARD OF PROTEST SHALL BE ALLOWED IN  
13 OR UPON ANY BUILDING WHERE A BEREAVEMENT SERVICE IS BEING HELD OR WITHIN  
14 ONE THOUSAND FEET OF SUCH BUILDING DURING SUCH BEREAVEMENT SERVICE. FOR  
15 PURPOSES OF THIS SECTION, SUCH ONE THOUSAND FOOT DISTANCE SHALL BE  
16 DEEMED TO INCLUDE A ONE THOUSAND FOOT RADIAL MEASURED FROM THE ENTRANCES  
17 TO A BUILDING WHERE SUCH BEREAVEMENT SERVICE IS BEING HELD.

18 3. ANY FUNERAL DIRECTOR, ADMINISTRATOR OR ANY OTHER PERSON WHO IS IN  
19 CHARGE OF A BEREAVEMENT SERVICE MAY, IN HIS OR HER DISCRETION, PLACE  
20 DISTANCE MARKERS AT A DISTANCE OF ONE THOUSAND FEET FROM THE BUILDING  
21 WHERE SUCH BEREAVEMENT SERVICE IS BEING HELD FOR A PERIOD OF TIME BEGIN-  
22 NING ONE HOUR BEFORE SUCH SERVICE AND ENDING ONE HOUR AFTER SUCH SERVICE  
23 FOR THE PURPOSE OF IDENTIFYING THE AREA IN WHICH A PROTEST SHALL NOT  
24 TAKE PLACE.

25 4. ANY PERSON WHO WILLFULLY VIOLATES THE PROVISIONS OF THIS SECTION  
26 SHALL BE GUILTY OF A MISDEMEANOR.

27 S 2. This act shall take effect on the sixtieth day after it shall  
28 have become a law.

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

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