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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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