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

2772

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOLB, TOWNSEND, FINCH, WALKER, ERRIGO -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BACALLES, BARCLAY, BURLING, BUTLER, CALHOUN, CONTE, CORWIN, CROUCH, DUPREY, FITZPATRICK, GIGLIO, HAWLEY, HAYES, McDONOUGH, McKEVITT, MOLINARO, O'MARA, RABBITT, RAIA, REILICH, SALADINO, THIELE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to criminal interference with funeral services

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

Section 1. The section heading, subdivision 1 and the closing paragraph of section 240.70 of the penal law, as added by chapter 635 of the laws of 1999, are amended to read as follows:

Criminal interference with health care services, FUNERAL SERVICES, or religious worship in the second degree.

1. A person is guilty of criminal interference with health services, FUNERAL SERVICES, or religious worship in the second degree when:

(a) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is obtaining or providing reproductive health services; or

(b) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services; or

(c) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship; or

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

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(d) he or she intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages the property of a place of religious worship; OR

(E) 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, WHEN HE OR SHE:

(I) BLOCKS, IMPEDES, INHIBITS, OR IN ANY OTHER MANNER OBSTRUCTS OR INTERFERES WITH ACCESS INTO OR FROM ANY BUILDING OR PARKING LOT OF A BUILDING IN WHICH A FUNERAL, WAKE, MEMORIAL SERVICE, OR BURIAL IS BEING CONDUCTED, OR ANY BURIAL PLOT OR THE PARKING LOT OF THE CEMETERY IN WHICH A FUNERAL, WAKE, MEMORIAL SERVICE, OR BURIAL IS BEING CONDUCTED; OR

(II) CONGREGATES, PICKETS OR DEMONSTRATES WITHIN THREE HUNDRED (300) FEET OF AN EVENT SPECIFIED IN THIS SUBDIVISION; OR

(III) WITHOUT AUTHORIZATION FROM THE FAMILY OF THE DECEASED OR PERSON CONDUCTING THE SERVICE, DURING A FUNERAL, WAKE, MEMORIAL SERVICE, OR BURIAL:

(1) SINGS, CHANTS, WHISTLES, SHOUTS, YELLS, OR USES A BULLHORN, AUTO HORN, SOUND AMPLIFICATION EQUIPMENT, OR OTHER SOUNDS OR IMAGES OBSERVABLE TO OR WITHIN EARSHOT OF PARTICIPANTS IN THE FUNERAL, WAKE, MEMORIAL SERVICE, OR BURIAL; OR

(2) DOES OR MAKES ANY UTTERANCE, GESTURE, OR DISPLAY DESIGNED TO OUTRAGE THE SENSIBILITIES OF THE GROUP ATTENDING THE FUNERAL OR BURIAL, FUNERAL HOME VIEWING OF A DECEASED PERSON, FUNERAL PROCESSION, OR FUNERAL OR MEMORIAL SERVICE FOR A DECEASED PERSON; OR

(3) DISTRIBUTES LITERATURE OR ANY OTHER ITEM.

Criminal interference with health care services, FUNERAL SERVICES, or religious worship in the second degree is a class A misdemeanor.

S 2. Section 240.71 of the penal law, as added by chapter 635 of the laws of 1999, is amended to read as follows:

S 240.71 Criminal interference with health care services, FUNERAL SERVICES, or religious worship in the first degree.

A person is guilty of criminal interference with health care services, FUNERAL SERVICES, or religious worship in the first degree when he or she commits the crime of criminal interference with health care services, FUNERAL SERVICES, or religious worship in the second degree and has been previously convicted of the crime of criminal interference with health care services or religious worship in the first or second degree.

Criminal interference with health care services, FUNERAL SERVICES or religious worship in the first degree is a class E felony.

S 3. This act shall take effect immediately.