

Representative Eric K. Hutchings proposes the following substitute bill:

RESPECTING OUR FALLEN HEROES ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill increases the distance a disruptive activity is to be from a memorial service of a person who served in the armed forces or who was a member of the National Guard.

Highlighted Provisions:

This bill:

- ▶ defines a military memorial service to be a memorial service of a person who served in the armed forces or who was a member of the National Guard; and
- ▶ requires a disruptive activity to be at least 1,000 feet away from a military memorial service.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-108, as enacted by Laws of Utah 2007, Chapter 46

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section **76-9-108** is amended to read:

27 **76-9-108. Disrupting a funeral or memorial service.**

28 (1) As used in this section:

29 ~~[(d)]~~ (a) "Disruptive activity" means:

30 (i) a loud or disruptive oration or speech that is not part of the memorial service;

31 (ii) the display of a placard, banner, poster, flag, or other item that is not part of the
32 memorial service; or

33 (iii) the distribution of any handbill, pamphlet, leaflet, or other written material or other
34 item that is not part of the memorial service.

35 ~~[(a)]~~ (b) "Funeral procession" means a procession of two or more motor vehicles
36 where:

37 (i) the operators of the vehicles identify themselves as being part of the procession by
38 having the lamps or lights of the vehicle on and by keeping in close formation with the other
39 vehicles in the procession;

40 (ii) at least one vehicle contains the body or remains of a deceased person being
41 memorialized; and

42 (iii) the vehicles are going to or from a memorial service.

43 ~~[(b)]~~ (c) "Memorial service" means the actual time of, 60 minutes immediately before
44 and 60 minutes immediately after, a wake, funeral, graveside service, burial, or other ceremony
45 or rite held in connection with the burial or cremation of an individual.

46 ~~[(c)]~~ (d) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary,
47 cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.

48 (e) "Military memorial service" means the actual time of, 60 minutes immediately
49 before and 60 minutes immediately after, a wake, funeral, graveside service, burial, or other
50 ceremony or rite held in connection with the burial or cremation of a veteran.

51 (f) "Veteran" means an individual who was an active duty member of the armed forces
52 of the United States, a member of a reserve component of the armed forces of the United
53 States, or a member of the National Guard.

54 (2) A person is guilty of a class B misdemeanor if the person, with intent to disrupt
55 ~~[the] a~~ memorial service, does any of the following ~~[during the period beginning 60 minutes~~
56 ~~immediately before the scheduled commencement of a memorial service and ending 60~~

57 minutes after the conclusion of a memorial service]:

58 (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the
59 memorial site;

60 (b) obstructs, hinders, impedes, or blocks a funeral procession; or

61 [~~(c) makes unreasonable noise; or~~]

62 [~~(d)~~] (c) engages in a disruptive activity within 200 feet of the memorial service.

63 (3) A person is guilty of a class B misdemeanor, if the person, with intent to disrupt
64 any military memorial service, does any of the following:

65 (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the
66 memorial site;

67 (b) obstructs, hinders, impedes, or blocks a funeral procession; or

68 (c) engages in a disruptive activity within 1,000 feet of a military memorial service.

FISCAL NOTE

H.B. 465 1st Sub. (Buff)

SHORT TITLE: **Respecting Our Fallen Heroes Act**

SPONSOR: **Hutchings, E.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.