

# HB0465S01 compared with HB0465

~~{deleted text}~~ shows text that was in HB0465 but was deleted in HB0465S01.

inserted text shows text that was not in HB0465 but was inserted into HB0465S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{creates an enhanced penalty for disrupting}~~ 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:

- ~~{~~ → ~~increases the fine to be no less than \$750 for a person who disrupts a military memorial service;~~
- { ▶ 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
- ▶ ~~{expands the definition to disrupt a}~~ requires a disruptive activity to be at least 1,000 feet away from a military memorial service ~~{ to include:~~

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~~the distribution of printed materials, pamphlets, or handbills; or  
displaying a placard or banner}.~~

### 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

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

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

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

(1) As used in this section:

~~(d)~~ (a) "Disruptive activity" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A person is guilty of a class B misdemeanor, ~~{and shall be fined not less than \$750;}~~ if the person, with intent to disrupt any military memorial service, does any of the following:

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

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

~~— (c) makes unreasonable noise;~~

~~— (d) displays any placard, banner, flag, or similar device, unless such a display is part of a funeral or memorial service or ceremony;~~

~~— (e) distributes any handbill, pamphlet, leaflet, or other written or printed matter other than materials distributed as part of the funeral or memorial service or ceremony;}~~ or

~~[(f)]~~ (c) engages in a disruptive activity within ~~{500}~~ 1,000 feet of a military memorial service.

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~~Legislative Review Note~~

~~as of 2-18-11 1:41 PM~~

~~Office of Legislative Research and General Counsel~~