

2C:33-8.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2006 **CHAPTER:** 93

NJSA: 2C:33-8.1 (Makes it a disorderly persons offense to purposely disrupt funeral through certain conduct)

BILL NO: A2870/A2898 (Substituted for S1881)

SPONSOR(S) Conners and others

DATE INTRODUCED: March 21, 2006

COMMITTEE: **ASSEMBLY:** Military and Veterans' Affairs

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** July 8, 2006

SENATE: June 26, 2006

DATE OF APPROVAL: August 21, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Assembly Committee Substitute (1R) enacted)

A2870/A2898

[SPONSOR'S STATEMENT \(A2870\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A2898\)](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S1881

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Funeral protests illegal under new state law," 8-22-2006 Star Ledger, p.12

"New Jersey bans protests at soldiers funerals," 8-22-2006 Philadelphia Inquirer p.B4

"Funeral protest ban becomes state law," 8-22-2006 Courier-Post, p. 4B

"State bars protests at troops funerals," 8-22-2006 The Times p. A10

RWH 3/12/08

P.L. 2006, CHAPTER 93, *approved August 21, 2006*
Assembly Committee Substitute (*First Reprint*) for
Assembly, Nos. 2870 and 2898

1 AN ACT concerning the disruption of funerals and supplementing
2 Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares:

8 a. Families have a substantial interest in attending funeral
9 services for their loved ones;

10 b. The interests of families in privately and peacefully mourning
11 the loss of their relatives are violated when funerals are targeted for
12 disruption, picketing and other demonstrations;

13 c. Such disruption causes emotional disturbance and distress to
14 grieving families; and

15 d. It is in the interest of the State of New Jersey to protect
16 families' privacy immediately prior to, during and after a funeral
17 service.

18

19 2. a. As used in this act ¹**[,]** ¹:

20 "funeral" means the ceremonies, processions and memorial
21 services held in connection with the burial or cremation of the
22 dead¹; and

23 "demonstration" includes the following:

24 (1) any picketing or similar conduct,

25 (2) any oration, speech, use of sound amplification equipment or
26 device, or similar conduct that is not part of a funeral,

27 (3) the display of any placard, banner, flag, or similar device,
28 unless such a display is part of a funeral, or

29 (4) the distribution of any handbill, pamphlet, leaflet, or other
30 written or printed matter other than a program distributed as part of
31 a funeral¹.

32 b. A person is guilty of disrupting a funeral if, during the period
33 beginning one hour prior to the scheduled commencement of a
34 funeral, and until one hour following the actual completion of the
35 funeral, ¹**[he]** with the purpose of causing inconvenience,
36 annoyance or alarm to the funeral or its participants, or of
37 recklessly creating the risk thereof, the person¹ knowingly:

38 (1) obstructs, hinders, impedes or blocks another person's entry
39 to or exit from the funeral, the funeral procession, the funeral home,
40 church, synagogue, temple or other place of public worship ¹or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 22, 2006.

1 other location at which a funeral takes place as part of
2 demonstration activities¹, or

3 (2) engages in ¹~~["picketing or other protest"]~~ demonstration¹
4 activities within 500 feet of the funeral, the funeral procession, the
5 funeral home, church, synagogue, temple or other place of public
6 worship ¹or other location at which a funeral takes place and makes
7 or assists in the making of noise, diversions, or threatening gestures,
8 or engages in any other disruptive conduct, that disrupts or tends to
9 disrupt the peace or good order of the funeral¹.

10 c. Disrupting a funeral is a disorderly persons offense.

11

12 3. This act shall take effect immediately.

13

14

15

16

17 _____
18 Makes it a disorderly persons offense to purposely disrupt
funeral through certain conduct.

ASSEMBLY, No. 2870

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Co-Sponsored by:

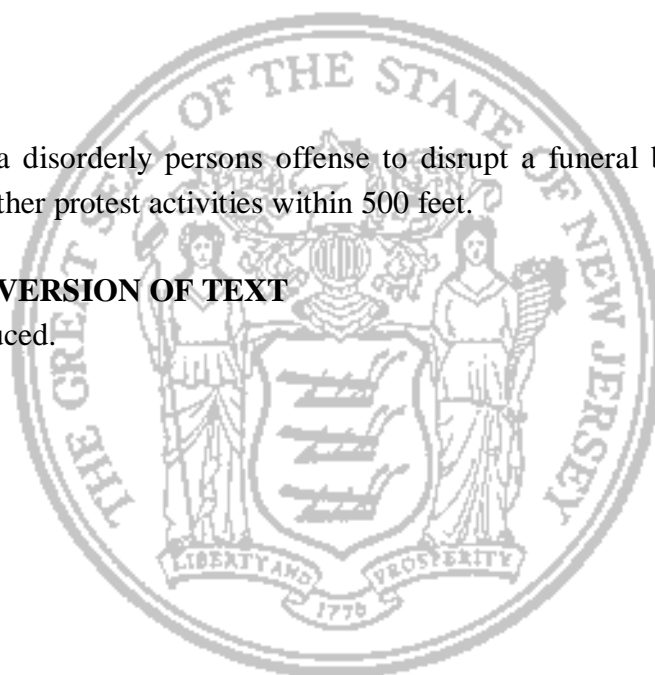
**Assemblymen Conaway, Mayer, Gordon, Chatzidakis, Bodine, Vas, Manzo
and Gusciora**

SYNOPSIS

Makes it a disorderly persons offense to disrupt a funeral by picketing or conducting other protest activities within 500 feet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/16/2006)

1 AN ACT concerning the disruption of funerals and supplementing
2 Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1.a. As used in this act, “funeral” means the ceremonies,
8 processions and memorial services held in connection with the
9 burial or cremation of the dead.

10 b. A person is guilty of disrupting a funeral if, during the period
11 beginning one hour prior to the scheduled commencement of a
12 funeral, and until one hour following the actual completion of the
13 funeral, he knowingly:

14 (1) obstructs, hinders, impedes or blocks another person’s entry
15 to or exit from the funeral, the funeral procession, the funeral home,
16 church, synagogue, temple or other place of public worship, or

17 (2) engages in picketing or other protest activities within 500 feet
18 of the funeral, the funeral procession, the funeral home, church,
19 synagogue, temple or other place of public worship.

20 c. Disrupting a funeral is a disorderly persons offense.

21

22 2. This act shall take effect immediately.

23

24

25 STATEMENT

26

27 Recently, several funerals of soldiers killed in Iraq have been
28 disrupted by loud and intrusive protests and demonstrations. At
29 least six states have enacted legislation to bar such protests as an
30 unwarranted invasion of families’ privacy during their time of
31 grieving.

32 This bill would make it a disorderly persons offense to disrupt a
33 funeral. Under the bill, a person would be guilty of the offense if,
34 during the period beginning one hour prior to the scheduled
35 commencement of a funeral, and until one hour following the actual
36 completion of the funeral, the person knowingly:

37 (1) obstructs, hinders, impedes or blocks another person’s entry
38 to or exit from the funeral, the funeral procession, the funeral home,
39 church, synagogue, temple or other place of public worship, or

40 (2) engages in picketing or other protest activities within 500 feet
41 of the funeral, the funeral procession, the funeral home, church,
42 synagogue, temple or other place of public worship.

ASSEMBLY, No. 2898

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman MICHAEL J. PANTER

District 12 (Mercer and Monmouth)

Co-Sponsored by:

Assemblymen Vas, Diegnan, Chatzidakis and Bodine

SYNOPSIS

Makes it a disorderly persons offense to disrupt a funeral by picketing or conducting other protest activities within 300 feet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2006)

1 AN ACT concerning the disruption of funerals and supplementing
2 Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares:

8 a. Families have a substantial interest in attending funeral
9 services for their loved ones;

10 b. The interests of families in privately and peacefully mourning
11 the loss of their relatives are violated when funerals are targeted for
12 disruption, picketing and other demonstrations;

13 c. Such disruption causes emotional disturbance and distress to
14 grieving families; and

15 d. It is in the interest of the State of New Jersey to protect
16 families' privacy immediately prior to, during and after a funeral
17 service.

18

19 2. a. A person is guilty of disrupting a funeral if, during the
20 period beginning one hour prior to the scheduled commencement of
21 a funeral, and until one hour following the actual completion of the
22 funeral, he knowingly:

23 (1) obstructs, hinders, impedes or blocks another person's entry
24 to or exit from the funeral, the funeral procession, the funeral home,
25 church, synagogue, temple or other place of public worship, or

26 (2) engages in picketing or other protest activities within 300 feet
27 of the funeral, the funeral procession, the funeral home, church,
28 synagogue, temple or other place of public worship.

29 b. As used in this act, "funeral" means the ceremonies,
30 processions and memorial services held in connection with the
31 burial or cremation of the dead.

32 c. Disrupting a funeral is a disorderly persons offense.

33

34 3. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill would make it a disorderly persons offense to disrupt a
40 funeral. The bill was prompted by recent events in several
41 Midwestern states involving loud and disruptive group protests at
42 the funerals of soldiers killed in Iraq.

43 Under the bill, a person would be guilty of the offense of
44 disrupting a funeral if, during the period beginning one hour prior to
45 the scheduled commencement of a funeral, and until one hour
46 following the actual completion of the funeral, the person
47 knowingly:

1 (1) obstructs, hinders, impedes or blocks another person's entry
2 to or exit from the funeral, or

3 (2) engages in picketing or other protest activities within 300 feet
4 of the funeral, the funeral procession, the funeral home, church,
5 synagogue, temple or other place of public worship.

6 It is the view of the sponsors that families have a substantial
7 interest in attending funeral services for their loved ones, and that
8 this interest is violated when funerals are targeted for disruption,
9 picketing and other demonstrations.

10 This bill is modeled on legislation enacted recently in Kansas
11 and Oklahoma.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2870 and 2898

STATE OF NEW JERSEY

DATED: MAY 15, 2006

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly Committee Substitute for Assembly, Nos. 2870 and 2898.

Recently, several funerals of soldiers killed in Iraq have been disrupted by loud and intrusive protests and demonstrations. At least six states have enacted legislation to bar such protests as an unwarranted invasion of families' privacy during their time of grieving.

This committee substitute would make it a disorderly persons offense to disrupt a funeral. Under the bill, a person would be guilty of the offense if, during the period beginning one hour prior to the scheduled commencement of a funeral, and until one hour following the actual completion of the funeral, the person knowingly:

(1) obstructs, hinders, impedes or blocks another person's entry to or exit from the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship, or

(2) engages in picketing or other protest activities within 500 feet of the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship.

It is the view of the sponsors that families have a substantial interest in attending funeral services for their loved ones, and that this interest is violated when funerals are targeted for disruption, picketing and other demonstrations.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2870 and 2898

STATE OF NEW JERSEY

DATED: JUNE 15, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2870 and 2898.

Recently, several funerals of soldiers killed in Iraq have been disrupted by loud and intrusive protests and demonstrations. At least six states have enacted legislation to bar such protests as an unwarranted invasion of families' privacy during their time of grieving.

This committee substitute would make it a disorderly persons offense to disrupt a funeral. Under the bill, a person would be guilty of the offense if, during the period beginning one hour prior to the scheduled commencement of a funeral and until one hour following the actual completion of the funeral, the person knowingly:

(1) obstructs, hinders, impedes or blocks another person's entry to or exit from the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship, or

(2) engages in picketing or other protest activities within 500 feet of the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship.

It is the view of the sponsors that families have a substantial interest in attending funeral services for their loved ones, and that this interest is violated when funerals are targeted for disruption, picketing and other demonstrations.

This committee substitute is identical to the Senate Committee Substitute for Senate Bill No. 1881, which also was reported by the committee on this date.

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2870 and 2898

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: JUNE 22, 2006

This amendment clarifies that certain conduct that is disruptive to a funeral and its participants is subject to a penalty under the bill. The amendment replaces the phrase “picketing or other protest” with the word “demonstration” and describes those activities that if conducted to impede access to, or if conducted within 500 feet of, a funeral would be considered disruptive. The amendment also adds a definition for the term “demonstration” which is identical to the one used in the recently enacted federal legislation “Respect for America’s Fallen Heroes Act”.

The amendment is to clarify questions raised regarding the clarity and scope of the bill.

SENATE, No. 1881

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 18, 2006

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Prohibits conduct that disturbs or disrupts a military funeral.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT prohibiting conduct that disturbs or disrupts a military
2 funeral and supplementing Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. For purposes of this section, “military funeral” is any
8 funeral, memorial service, funeral procession, burial or interment
9 for an individual who was an active member of any branch of the
10 United States armed forces or a veteran of such service.

11 A person is guilty of a disorderly persons offense if, with
12 purpose to cause inconvenience, annoyance or alarm, or recklessly
13 creating a risk thereof, the person makes loud and offensive noise,
14 or threatening gestures or engages in any other disturbing or
15 disruptive conduct within 1000 feet of a military funeral.

16 b. This section applies to conduct during the period beginning
17 30 minutes prior to the scheduled commencement of a military
18 funeral, and until 30 minutes following the actual completion of the
19 military funeral.

20

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would make it a disorderly persons offense to make
27 loud and offensive noise, or threatening gestures or engage in any
28 other disturbing or disruptive conduct within 1000 feet of a
29 “military funeral.” Under the bill, a “military funeral” is any
30 funeral, memorial service, funeral procession, burial or interment
31 for an individual who was an active member of any branch of the
32 United States armed forces or a veteran of such service. This
33 conduct would be prohibited during the period beginning 30
34 minutes prior to the scheduled commencement of a military funeral,
35 and until 30 minutes following the actual completion of the military
36 funeral.

37 This bill is in response to recent protests at military funerals
38 around the country, and is an attempt to prevent harassment of
39 bereaved family members during their time of mourning.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1881

STATE OF NEW JERSEY

DATED: JUNE 15, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1881.

Recently, several funerals of soldiers killed in Iraq have been disrupted by loud and intrusive protests and demonstrations. At least six states have enacted legislation to bar such protests as an unwarranted invasion of families' privacy during their time of grieving.

This committee substitute would make it a disorderly persons offense to disrupt a funeral. Under the bill, a person would be guilty of the offense if, during the period beginning one hour prior to the scheduled commencement of a funeral, and until one hour following the actual completion of the funeral, the person knowingly:

(1) obstructs, hinders, impedes or blocks another person's entry to or exit from the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship, or

(2) engages in picketing or other protest activities within 500 feet of the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship.

It is the view of the sponsors that families have a substantial interest in attending funeral services for their loved ones, and that this interest is violated when funerals are targeted for disruption, picketing and other demonstrations.

As reported by the committee, this committee substitute is identical to the Assembly Committee Substitute for Assembly Bill Nos. 2870 and 2898, which also was reported by the committee on this date.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1881

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: JUNE 22, 2006

This amendment clarifies that certain conduct that is disruptive to a funeral and its participants is subject to a penalty under the bill. The amendment replaces the phrase “picketing or other protest” with the word “demonstration” and describes those activities that if conducted to impede access to, or if conducted within 500 feet of, a funeral would be considered disruptive. The amendment also adds a definition for the term “demonstration” which is identical to the one used in the recently enacted federal legislation “Respect for America’s Fallen Heroes Act”.

The amendment is to clarify questions raised regarding the clarity and scope of the bill.