HOUSE DOCKET, NO. 2790 FILED ON: 1/18/2013

HOUSE . . . . . No. 1247

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act protecting the sanctity of funerals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James M. Cantwell	*4th Plymouth*

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HOUSE . . . . . No. 1247

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1247) of James M. Cantwell relative to the protection of funerals from disturbances and establishing penalties for violations. The Judiciary.

The Commonwealth of Massachusetts

An Act protecting the sanctity of funerals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 42A of chapter 272, of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the section in its entirety and replacing it with the following thereof:-

Section 1. It shall be unlawful for any person to knowingly engage in a demonstration, protest, or picket, directed at a funeral service, or otherwise create a disturbance within one thousand feet of a funeral home, church or temple, or other building where funeral services are being held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year in a house of correction, or both.

Section 2. For the purposes of this section, "funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of the dead.

Section 3. For the purposes of this section, "Picketing of a funeral" means protest activities engaged in by a person or persons located within one thousand feet of a cemetery, mortuary, church, or other place of worship during a funeral.

Section 4. For any cause of action brought pursuant to actions which violate this section to recover for emotional distress, the plaintiff shall not be required to prove physical manifestation of such damage.

Section 5. The provisions of section 42A above are severable. If any part of section 42A is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of sections 42A shall remain and be in full force and effect.