

109TH CONGRESS
2D SESSION

S. 4042

To amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. DURBIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HE-**
4 **ROES.**

5 (a) IN GENERAL.—Chapter 67 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

1 **“§ 1388. Prohibition on disruptions of funerals of**
2 **members or former members of the**
3 **Armed Forces**

4 “(a) PROHIBITION.—For any funeral of a member or
5 former member of the Armed Forces that is not located
6 at a cemetery under the control of the National Cemetery
7 Administration or part of Arlington National Cemetery,
8 it shall be unlawful for any person to engage in an activity
9 during the period beginning 60 minutes before and ending
10 60 minutes after such funeral, any part of which activ-
11 ity—

12 “(1)(A) takes place within the boundaries of the
13 location of such funeral or takes place within 150
14 feet of the point of the intersection between—

15 “(i) the boundary of the location of such
16 funeral; and

17 “(ii) a road, pathway, or other route of in-
18 gress to or egress from the location of such fu-
19 neral; and

20 “(B) includes any individual willfully making or
21 assisting in the making of any noise or diversion
22 that is not part of such funeral and that disturbs or
23 tends to disturb the peace or good order of such fu-
24 neral with the intent of disturbing the peace or good
25 order of that funeral; or

1 “(2)(A) is within 300 feet of the boundary of
2 the location of such funeral; and

3 “(B) includes any individual willfully and with-
4 out proper authorization impeding the access to or
5 egress from such location with the intent to impede
6 the access to or egress from such location.

7 “(b) PENALTY.—Any person who violates subsection
8 (a) shall be fined under this title, imprisoned for not more
9 than 1 year, or both.

10 “(c) DEFINITIONS.—In this section:

11 “(1) The term ‘Armed Forces’ has the meaning
12 given the term in section 101 of title 10.

13 “(2) The term ‘funeral of a member or former
14 member of the Armed Forces’ means any ceremony
15 or memorial service held in connection with the bur-
16 ial or cremation of a member or former member of
17 the Armed Forces.

18 “(3) The term ‘boundary of the location’, with
19 respect to a funeral of a member or former member
20 of the Armed Forces, means—

21 “(A) in the case of a funeral of a member
22 or former member of the Armed Forces that is
23 held at a cemetery, the property line of the
24 cemetery;

1 “(B) in the case of a funeral of a member
2 or former member of the Armed Forces that is
3 held at a mortuary, the property line of the
4 mortuary;

5 “(C) in the case of a funeral of a member
6 or former member of the Armed Forces that is
7 held at a house of worship, the property line of
8 the house of worship; and

9 “(D) in the case of a funeral of a member
10 or former member of the Armed Forces that is
11 held at any other kind of location, the reason-
12 able property line of that location.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 67 of such title is amended
15 by inserting after the item related to section 1387 the fol-
16 lowing new item:

“1388. Prohibition on disruptions of funerals of members or former members
of the Armed Forces.”.

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