

**LOCAL LAW NO. 4 OF 2011
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Edwin J. Day)

Mr. Day offered the following Local Law, which was seconded by the Entire Legislature and unanimously adopted:

A local law prohibiting disruption of funeral related events in Rockland County.

Be it enacted by the legislature of the county of Rockland, New York, as follows:

Section 1. Name of local law

This law shall be known as "the Rockland county funeral privacy law."

Section 2. Legislative intent.

The Rockland county legislature finds and declares that:

- a. Families and relatives have a substantial interest in organizing and attending commemorative services for deceased relatives.
- b. The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when commemorative services are targeted for picketing and other public demonstrations.
- c. Picketing of commemorative services causes emotional disturbance and distress to grieving families who participate in commemorative services.
- d. Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one hour prior to, during and one hour following the commemorative services.

Section 3. Definitions

As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

- a. "Commemorative service." An event involving the gathering of individuals who assemble:
 1. At a cemetery or other location during the burial, funeral, ceremony or memorial service of a specific deceased person to mourn or honor the deceased person or to pay respect to the family of the deceased person.
 2. In a building during the viewing, visitation, burial, funeral, ceremony or memorial service of a specific deceased person to mourn or honor the deceased person or to pay respect to the family of the deceased person.
 3. To participate in a procession to a cemetery, building or other location in which a viewing, visitation, burial, funeral, ceremony or memorial service of a specific deceased person is to be conducted to mourn or honor the deceased person or to pay respect to the family of the deceased person.
- b. "Demonstration activities." Any of the following:
 1. Any picketing or similar conduct.
 2. Any oration, speech or use of sound amplification equipment or device or similar conduct that is not part of a commemorative service.
 3. The display of any placard, sign, banner, flag or similar device, unless such display or material is part of a commemorative service.
 4. The distribution of any handbill, pamphlet, leaflet or other written or printed matter, other than a program distributed as part of a commemorative service.

Section 4. Prohibited acts

Defined.--A person commits a Class A misdemeanor if the person engages in demonstration activities within 750 feet of any cemetery, mortuary, church or other location being utilized for the purposes of a commemorative service within one hour prior to, during and for one hour following the commemorative service.

Section 5. Enforcement.

This article shall apply to all actions occurring on or after the effective date of this article. This law may be enforced by any law enforcement agency having jurisdiction to act in the county of Rockland, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring his/her appearance before a court of competent jurisdiction.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.