

HOUSE BILL NO. 1163

Introduced by

Representatives Amerman, Gulleson, Wall

Senators Heitkamp, Tallackson

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to the disorderly conduct at a funeral; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Disorderly conduct at a funeral - Penalty.**

7 1. For purposes of this section:

8 a. "Funeral" means the ceremonies, rituals, processions, and memorial services
9 held at a funeral site in connection with the burial, cremation, or memorial of a
10 deceased person.

11 b. "Funeral site" means a church, synagogue, mosque, funeral home, mortuary,
12 cemetery, gravesite, mausoleum, or other place at which a funeral may be
13 conducted.

14 2. An individual is guilty of disorderly conduct at a funeral if the individual:

15 a. With intent to disrupt a funeral, protests or pickets within five hundred feet
16 [152.4 meters] of the funeral or funeral site within one hour before, during, or
17 one hour following the funeral;

18 b. With intent to disrupt a funeral procession, impedes, or attempts to impede a
19 vehicle that is part of the procession;

20 c. Intentionally blocks or attempts to block access to a funeral or funeral site; or

21 d. Knowingly engages in protests or picketing at the residence of any surviving
22 member of the deceased individual's family or household on the date of the
23 funeral.

- 1 3. Disorderly conduct at a funeral is a class B misdemeanor. Disorderly conduct at a
2 funeral is a class A misdemeanor if the offender has a prior conviction for
3 disorderly conduct at a funeral under this section or under an equivalent offense of
4 another state or the federal government.
- 5 4. Any person who violates subsection 2 is liable to a surviving member of the
6 deceased individual's family or household for damages caused by the violation. A
7 surviving member of the deceased individual's family or household may bring an
8 action for injunctive relief and other appropriate relief or remedial compensation. In
9 an action brought under this subsection, a prevailing plaintiff may recover
10 attorney's fees. Any civil action brought under this subsection must be
11 commenced within two years from the date of the death of the deceased individual.