

HOUSE No. 3340

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell relative to public protests at funerals. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

1 SECTION 1. Section 42A of chapter 272, of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking the section in its entirety and replacing it with the
3 following thereof:-

4 Section 1. It shall be unlawful for any person to engage in picketing, loitering, or
5 otherwise create a disturbance within one thousand feet of a funeral home, church or temple, or
6 other building where funeral services are being held, within two hours prior to the
7 commencement of any funeral, and until two hours following the cessation of any funeral. Each
8 day on which a violation occurs shall constitute a separate offense. Violation of this section shall
9 be punished by a fine of not more than one thousand dollars or by imprisonment for not more
10 than one year in a house of correction, or both.

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

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

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

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