



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3802

Introduced 10/5/2011, by Rep. Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-6

Amends the Criminal Code of 1961 relating to the offense of disorderly conduct at a funeral or memorial service. Increases the time that a specified place can be considered a "funeral site" from 30 minutes before and after a funeral to one hour before and after. Increases the distance from which the conduct at the funeral or memorial service is prohibited from 200 feet to 1,000 feet of any ingress or egress of the funeral site. Effective immediately.

LRB097 12814 AEK 57310 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 26-6 as follows:

6 (720 ILCS 5/26-6)

7 Sec. 26-6. Disorderly conduct at a funeral or memorial  
8 service.

9 (a) The General Assembly finds and declares that due to the  
10 unique nature of funeral and memorial services and the  
11 heightened opportunity for extreme emotional distress on such  
12 occasions, the purpose of this Section is to protect the  
13 privacy and ability to mourn of grieving families directly  
14 before, during, and after a funeral or memorial service.

15 (b) For purposes of this Section:

16 (1) "Funeral" means the ceremonies, rituals,  
17 processions, and memorial services held at a funeral site  
18 in connection with the burial, cremation, or memorial of a  
19 deceased person.

20 (2) "Funeral site" means a church, synagogue, mosque,  
21 funeral home, mortuary, cemetery, gravesite, mausoleum, or  
22 other place at which a funeral is conducted or is scheduled  
23 to be conducted within the next hour ~~30 minutes~~ or has been

1 conducted within the last hour ~~30 minutes~~.

2 (c) A person commits the offense of disorderly conduct at a  
3 funeral or memorial service when he or she:

4 (1) engages, with knowledge of the existence of a  
5 funeral site, in any loud singing, playing of music,  
6 chanting, whistling, yelling, or noisemaking with, or  
7 without, noise amplification including, but not limited  
8 to, bullhorns, auto horns, and microphones within 1,000 ~~200~~  
9 feet of any ingress or egress of that funeral site, where  
10 the volume of such singing, music, chanting, whistling,  
11 yelling, or noisemaking is likely to be audible at and  
12 disturbing to the funeral site;

13 (2) displays, with knowledge of the existence of a  
14 funeral site and within 1,000 ~~200~~ feet of any ingress or  
15 egress of that funeral site, any visual images that convey  
16 fighting words or actual or veiled threats against any  
17 other person; or

18 (3) with knowledge of the existence of a funeral site,  
19 knowingly obstructs, hinders, impedes, or blocks another  
20 person's entry to or exit from that funeral site or a  
21 facility containing that funeral site, except that the  
22 owner or occupant of property may take lawful actions to  
23 exclude others from that property.

24 (d) Disorderly conduct at a funeral or memorial service is  
25 a Class C misdemeanor. A second or subsequent violation is a  
26 Class 4 felony.

1           (e) If any clause, sentence, section, provision, or part of  
2 this Section or the application thereof to any person or  
3 circumstance is adjudged to be unconstitutional, the remainder  
4 of this Section or its application to persons or circumstances  
5 other than those to which it is held invalid, is not affected  
6 thereby.

7           (Source: P.A. 94-772, eff. 5-17-06.)

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.