



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1404

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-6

Amends the Criminal Code of 2012 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 300 feet to 1,000 feet of any ingress or egress of the funeral site. Effective immediately.

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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 2012 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 ~~300~~
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 ~~300~~ 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. 97-359, eff. 8-15-11.)

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