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AN ACT

RELATING TO FUNERALS AND MEMORIAL SERVICES; LIMITING
DEMONSTRATIONS; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Demonstrations at Funerals and Memorial Services Act".

Section 2. DEFINITIONS.--As used in the Demonstrations
at Funerals and Memorial Services Act:

A. "funeral" means the ceremonies, rituals,
processions and memorial services held at a funeral site in
connection with the viewing, burial, cremation or memorial of
or wake for a deceased person;

B. "funeral site" means a church, synagogue,
mosque, funeral home, mortuary, cemetery, grave site,
mausoleum or other place at which a funeral is being
conducted or is scheduled to be conducted within the next
sixty minutes or has been conducted within the last sixty
minutes; and

C. "targeted residential picketing" includes the
following acts:

(1) marching, standing or patrolling by one
or more persons directed solely at a particular residential
building in a manner that adversely affects the safety,
security or privacy of an occupant of the building; or

1 (2) marching, standing or patrolling by one
2 or more persons that prevents an occupant of a residential
3 building from gaining access to or exiting from the property
4 on which the residential building is located.

5 Section 3. PROHIBITED ACTS.--A person shall not, with
6 knowledge of the existence of a funeral or funeral site:

7 A. engage in any loud singing, playing of music,
8 chanting, whistling, yelling or noisemaking with or without
9 noise amplification, including bullhorns, auto horns and
10 microphones within five hundred feet of any ingress or egress
11 of that funeral site, when the volume of such singing, music,
12 chanting, whistling, yelling or noisemaking is audible at and
13 disturbing to the peace and good order of a funeral at that
14 funeral site;

15 B. direct abusive epithets or make any threatening
16 gesture that the person knows or reasonably should know is
17 likely to provoke a violent reaction by another person;

18 C. display within five hundred feet of any ingress
19 or egress of that funeral site any visual images that convey
20 fighting words or actual threats against another person;

21 D. knowingly obstruct, hinder, impede or block
22 another person's access to or egress from that funeral site
23 or a facility containing that funeral site, except that the
24 owner or occupant of property may take lawful actions to
25 exclude others from that property;

1 E. knowingly obstruct, hinder, impede or block the
2 progress of a vehicle participating in a procession to or
3 from a funeral site; or

4 F. knowingly engage in targeted residential
5 picketing at the home or domicile of any surviving member of
6 the deceased person's family or household on the date of the
7 funeral.

8 Section 4. PENALTIES.--Any person who violates Section
9 3 of the Demonstrations at Funerals and Memorial Services Act
10 is:

11 A. for the first offense, guilty of a petty
12 misdemeanor and shall be sentenced pursuant to the provisions
13 of Section 31-19-1 NMSA 1978;

14 B. for the second offense, guilty of a misdemeanor
15 and shall be sentenced pursuant to the provisions of Section
16 31-19-1 NMSA 1978; and

17 C. for the third and subsequent offenses, guilty
18 of a fourth degree felony and shall be sentenced pursuant to
19 the provisions of Section 31-18-15 NMSA 1978.

20 Section 5. INJUNCTIVE RELIEF.--In addition to the
21 criminal penalties provided in Section 4 of the
22 Demonstrations at Funerals and Memorial Services Act, the
23 court may enjoin conduct prohibited in Section 3 of that act
24 if there is credible evidence that a person is likely to
25 violate Section 3 of the Demonstrations at Funerals and

1 Memorial Services Act. Any surviving member of the deceased
2 person's immediate family who is threatened with loss or
3 injury by reason of a violation described in Section 3 of the
4 Demonstrations at Funerals and Memorial Services Act is
5 entitled to sue for and have injunctive relief in any court
6 of competent jurisdiction against any damage or threatened
7 loss or injury by reason of a violation thereof.

8 Section 6. SEVERABILITY.--If any part or application of
9 this act is held invalid, the remainder or its application to
10 other situations or persons shall not be affected.

11 Section 7. EMERGENCY.--It is necessary for the public
12 peace, health and safety that this act take effect
13 immediately.

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