

109TH CONGRESS
2^D SESSION

S. 4042

AN ACT

To amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HE-**
2 **ROES.**

3 (a) IN GENERAL.—Chapter 67 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 1388. Prohibition on disruptions of funerals of**
7 **members or former members of the**
8 **Armed Forces**

9 “(a) PROHIBITION.—For any funeral of a member or
10 former member of the Armed Forces that is not located
11 at a cemetery under the control of the National Cemetery
12 Administration or part of Arlington National Cemetery,
13 it shall be unlawful for any person to engage in an activity
14 during the period beginning 60 minutes before and ending
15 60 minutes after such funeral, any part of which
16 activity—

17 “(1)(A) takes place within the boundaries of the
18 location of such funeral or takes place within 150
19 feet of the point of the intersection between—

20 “(i) the boundary of the location of such
21 funeral; and

22 “(ii) a road, pathway, or other route of in-
23 gress to or egress from the location of such fu-
24 neral; and

25 “(B) includes any individual willfully making or
26 assisting in the making of any noise or diversion

1 that is not part of such funeral and that disturbs or
2 tends to disturb the peace or good order of such fu-
3 neral with the intent of disturbing the peace or good
4 order of that funeral; or

5 “(2)(A) is within 300 feet of the boundary of
6 the location of such funeral; and

7 “(B) includes any individual willfully and with-
8 out proper authorization impeding the access to or
9 egress from such location with the intent to impede
10 the access to or egress from such location.

11 “(b) PENALTY.—Any person who violates subsection
12 (a) shall be fined under this title, imprisoned for not more
13 than 1 year, or both.

14 “(c) DEFINITIONS.—In this section:

15 “(1) The term ‘Armed Forces’ has the meaning
16 given the term in section 101 of title 10.

17 “(2) The term ‘funeral of a member or former
18 member of the Armed Forces’ means any ceremony
19 or memorial service held in connection with the bur-
20 ial or cremation of a member or former member of
21 the Armed Forces.

22 “(3) The term ‘boundary of the location’, with
23 respect to a funeral of a member or former member
24 of the Armed Forces, means—

1 “(A) in the case of a funeral of a member
2 or former member of the Armed Forces that is
3 held at a cemetery, the property line of the
4 cemetery;

5 “(B) in the case of a funeral of a member
6 or former member of the Armed Forces that is
7 held at a mortuary, the property line of the
8 mortuary;

9 “(C) in the case of a funeral of a member
10 or former member of the Armed Forces that is
11 held at a house of worship, the property line of
12 the house of worship; and

13 “(D) in the case of a funeral of a member
14 or former member of the Armed Forces that is
15 held at any other kind of location, the reason-
16 able property line of that location.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 67 of such title is amended
19 by inserting after the item related to section 1387 the fol-
20 lowing new item:

“1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.”.

Passed the Senate December 7, 2006.

Attest:

Secretary.

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