

Intro. Res. No. 1452-2010

Laid on Table 4/27/2010

Introduced by Legislators Stern, Cooper, Muratore, Browning, Romaine, Losquadro, Cilmi, Vilorio-Fisher, Kennedy, Nowick, Horsley, and Gregory

**RESOLUTION NO. 528 -2010, ADOPTING LOCAL LAW
NO. 30 -2010, A LOCAL LAW PROHIBITING
DEMONSTRATIONS AT FUNERAL SERVICES IN THE
COUNTY OF SUFFOLK**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010, a proposed local law entitled, "**A LOCAL LAW PROHIBITING DEMONSTRATIONS AT FUNERAL SERVICES IN THE COUNTY OF SUFFOLK**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 30 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW PROHIBITING DEMONSTRATIONS AT
FUNERAL SERVICES IN THE COUNTY OF SUFFOLK**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the loss of a family member is a difficult and emotional trauma for the surviving family.

This Legislature also finds and determines that family members take this time to honor and mourn the deceased.

This Legislature further finds and determines that families have a significant interest in quietly mourning the loss of their loved one without the intrusion of others.

This Legislature also determines that incidents have occurred throughout the nation in which military funeral services have been disrupted by picketing and protesting.

This Legislature finds that picketing and protesting at funerals prevents grieving families from mourning the deceased in peace.

This Legislature determines that family members of the deceased frequently suffer emotional distress when picketing and protesting occur during a funeral.

This Legislature further finds that the United States Congress enacted legislation prohibiting demonstrations during, and immediately before and after funerals conducted at cemeteries under the control of the National Cemetery Administration.

This Legislature also determines that many states have enacted independent legislation banning demonstrations and protests at any funeral conducted within their state.

This Legislature finds that the County of Suffolk should enact similar legislation to preserve dignity and respect at funerals held in Suffolk County.

This Legislature also finds that a full opportunity exists under the terms and provisions of this law for the exercise of free speech and other constitutional rights at times other than the period from one hour before the start of funeral services until one hour after the completion of funeral services.

Therefore, the purpose of this law is to protect the privacy of grieving families and to maintain the peaceful nature of cemeteries and funeral locations by prohibiting demonstrations during, and immediately before and after funeral services in the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“DEMONSTRATION” shall mean picketing or similar protest conduct, including oration, speech, the use of sound amplification equipment or devices, or similar conduct that is not part of a funeral, memorial service or ceremony.

“FUNERAL” shall mean the ceremonies, processions and memorial services held in connection with the burial or cremation of a deceased person.

Section 3. Prohibitions.

- A) No person in the County of Suffolk shall engage in a demonstration within 150 feet of any church, mortuary or other location at which a funeral is being held within one hour prior to the commencement of any funeral, during any funeral, or until one hour following the completion of any funeral.
- B) No person in the County of Suffolk shall engage in a demonstration within 300 feet of any cemetery at which a funeral is being held within one hour prior to the commencement of any funeral, during any funeral, or until one hour following the completion of any funeral, nor shall any person impede the access to or egress from such cemetery.

Section 4. Penalties.

Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: June 8, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: June 28, 2010

After a public hearing duly held on June 21, 2010
Filed with the Secretary of State on July 8, 2010