

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 4042

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## 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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