

BILL ANALYSIS

H.B. 97
By: McCall
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent months, radical individuals have launched a campaign claiming that the deaths of American soldiers in Iraq are divine punishment for a country that harbors homosexuals. A number of people continue to protest at the funerals of fallen soldiers with signs thanking God for the explosives that have killed a large number of American soldiers in Iraq. These protests have occurred throughout Texas and across the country.

As proposed, H.B. 97 criminalizes protesting within 500 feet of a cemetery or a facility being used for a funeral service beginning one hour before a service and ending one hour after a service is complete. The legislation clarifies such a funeral service disruption as a Class B misdemeanor under Chapter 42, Penal Code.

This bill is aimed at protecting peace at funerals for soldiers while still being respectful of the right to protest under the First Amendment of the United States Constitution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 42, Penal Code, by adding Section 42.055, as follows:
Sec. 42.055. FUNERAL SERVICE DISRUPTIONS. Defines "facility," "funeral service," and "picketing." Provides that a person commits a Class B misdemeanor if the person during a specified time frame surrounding a funeral service engages in picketing within 500 feet of a facility or cemetery being used for a funeral service.

SECTION 2. Amends Sections 42.04(a) and (c), Penal Code, to make conforming changes.

SECTION 3. Effective date: upon passage or the 91st day after adjournment.

EFFECTIVE DATE

The bill takes effect upon passage or the 91st day after adjournment.