

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

556M0502

SENATE ENGROSSED NO. **SB 156** - 02/01/2006

Introduced by: Senators Hansen (Tom), Adelstein, Bogue, Duniphan, Knudson, Koetzle, Kooistra, Lintz, McCracken, Moore, Olson (Ed), and Schoenbeck and Representatives Hennies, Boomgarden, Bradford, Brunner, Buckingham, Cutler, Davis, Deadrick, Dennert, Dykstra, Elliott, Faehn, Frost, Fryslie, Garnos, Gassman, Gillespie, Glenski, Hackl, Haley, Halverson, Hanks, Hargens, Haverly, Heineman, Hills, Howie, Hunhoff, Jensen, Jerke, Klaudt, Kraus, Krebs, Kroger, Lange, McCoy, McLaughlin, Michels, Murschel, Novstrup, Pederson (Gordon), Peters, Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Street, Tidemann, Turbiville, Van Etten, Vehle, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to prohibit the picketing of funerals under certain
2 circumstances, to provide penalties for the violation thereof, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person may, within one thousand feet of any funeral service, engage in any
5 act of picketing that is likely to cause emotional distress to any family member who is privately
6 and peacefully mourning the loss of a deceased relative during the period from one hour before
7 the scheduled commencement of the funeral services until one hour after the actual completion
8 of the funeral services.

9 Any violation of this section is a Class 2 misdemeanor. Each day on which a person violates
10 this section constitutes a separate offense.

11 Section 2. Notwithstanding the criminal penalties provide in section 1 of this Act, the circuit



1 court may enjoin conduct proscribed by section 1 of this Act and may in any such proceeding
2 award damages, including attorney fees, or other appropriate relief against any person who is
3 repeatedly found guilty of actions made unlawful by section 1 of this Act.

4 Section 3. For the purposes of this Act, funeral services are any ceremony, procession,
5 memorial, or burial at a church, private home, funeral parlor, mortuary, or cemetery.

6 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,
7 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
8 effect from and after its passage and approval.