

BILL ANALYSIS

Senate Research Center
79S30502 KEL-D

S.B. 14
By: Duncan
Criminal Justice
5/11/2006
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Westboro Baptist Church, located in Topeka, Kansas, has launched a campaign claiming that the deaths of American soldiers in Iraq are divine punishment for a country that harbors homosexuals. Members of the church 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, S.B. 14 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 in response to the actions of the Westboro Baptist Church members, and 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION 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.