

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5605

SPONSOR: GRIFFO

TITLE OF BILL:

An act to amend the penal law, in relation to extending the buffer zone around a religious service, funeral, burial or memorial service

PURPOSE OR GENERAL IDEA OF BILL:

To extend the buffer zone around a religious service, funeral, burial or memorial service.

SUMMARY OF SPECIFIC PROVISIONS:

Section 240.21 of the penal law, as amended by Chapter 566 of the laws of 2008, is amended to increase the buffer zone from one hundred feet to 300 feet.

JUSTIFICATION:

In 2008, legislation was signed into law (Chapter 566) to address a series of intemperate protests that were taking place at military funerals across the country. These protests continue today. The U.S. Supreme Court, in a recent decision, U.S. Supreme Court decision, Snyder v. Phelps. 562 U.S., recognized that persons who protest at funerals of military personnel have constitutional rights, but also that states have a compelling interest in protecting the family and friends of deceased military personnel while they are mourning at such events.

This legislation seeks to protect a family's privacy by increasing the buffer zone around a religious service, funeral, burial or memorial service.

PRIOR LEGISLATIVE HISTORY:

New bill; refer to Chapter 566 of the laws of 2008.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect on the one hundred eightieth day after it shall have become law.

S5605 GRIFFO Same as [A 7698](#) Cusick

Penal Law

TITLE....Extends the buffer zone around a religious service, funeral, burial or memorial service

06/06/11REFERRED TO CODES

06/13/11COMMITTEE DISCHARGED AND COMMITTED TO
RULES

06/13/11ORDERED TO THIRD READING CAL.1176

06/16/11SUBSTITUTED BY A7698

A07698 Cusick

05/13/11 referred to codes

06/01/11 reported referred to rules

06/06/11 reported

06/06/11 rules report cal.82

06/06/11 ordered to third reading rules cal.82

06/06/11 passed assembly

06/06/11 delivered to senate

06/06/11 REFERRED TO CODES

06/16/11 SUBSTITUTED FOR S5605

06/16/11 3RD READING CAL.1176

06/16/11 PASSED SENATE

06/16/11 RETURNED TO ASSEMBLY

09/12/11 delivered to governor

09/23/11 signed chap.528

SUMMARY:

GRIFFO, BALL, LAVALLE, YOUNG, ZELDIN

Amd S240.21, Pen L

Extends the buffer zone around a religious service, funeral, burial or memorial service from 100 feet to 300 feet.

BILL TEXT:

STATE OF NEW YORK

5605

2011-2012 Regular Sessions

IN SENATE

June 6, 2011

Introduced by Sens. GRIFFO, ZELDIN -- read twice and ordered printed,
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to extending the buffer zone around a religious service, funeral, burial or memorial service

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of section 240.21 of the penal law,
2 as amended by chapter 566 of the laws of 2008, is amended to read as
3 follows:

4 A person is guilty of disruption or disturbance of a religious
5 service, funeral, burial or memorial service when he or she makes unrea-
6 sonable noise or disturbance while at a lawfully assembled religious
7 service, funeral, burial or memorial service, or within [~~one~~] three
8 hundred feet thereof, with intent to cause annoyance or alarm or reck-
9 lessly creating a risk thereof.

10 § 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10972-02-1