

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1833  
Judiciary II Committee Substitute Adopted 7/11/06

Short Title: Disorderly Conduct/Funeral/Military Services.

(Public)

Sponsors:

Referred to:

May 24, 2006

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DISORDERLY CONDUCT AT A MILITARY FUNERAL  
OR MEMORIAL SERVICE OR ANY OTHER FUNERAL OR MEMORIAL  
SERVICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-288.4 reads as rewritten:

"§ 14-288.4. **Disorderly conduct.**

(a) Disorderly conduct is a public disturbance intentionally caused by any person  
~~who;~~ who does any of the following:

- (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other ~~violence;~~ violence.
- (2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the ~~peace;~~ peace.
- (3) Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized ~~representative;~~ representative.
- (4) Refuses to vacate any building or facility of any public or private educational institution in obedience ~~to;~~ to any of the following:
  - a. An order of the chief administrative officer of the institution, or ~~his~~ the officer's representative, who shall include for colleges and universities the vice chancellor for student affairs or ~~his~~ the vice-chancellor's equivalent for the institution, the dean of students or ~~his~~ the dean's equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the ~~institution;~~ institution.

- 1           b.     An order given by any fireman or public health officer acting  
2           within the scope of ~~his authority; or~~ the fireman's or officer's  
3           authority.
- 4           c.     If a state of emergency is occurring or is imminent within the  
5           institution, an order given by any law-enforcement officer  
6           acting within the scope of ~~his authority; or~~ the officer's  
7           authority.
- 8           (5)    Shall, after being forbidden to do so by the chief administrative officer,  
9           or ~~his~~ the officer's authorized representative, of any public or private  
10          educational institution:
- 11          a.     Engage in any sitting, kneeling, lying down, or inclining so as  
12          to obstruct the ingress or egress of any person entitled to the use  
13          of any building or facility of the institution in its normal and  
14          intended use; or
- 15          b.     Congregate, assemble, form groups or formations (whether  
16          organized or not), block, or in any manner otherwise interfere  
17          with the operation or functioning of any building or facility of  
18          the institution so as to interfere with the customary or normal  
19          use of the building or ~~facility; or~~ facility.
- 20          (6)    Disrupts, disturbs or interferes with the teaching of students at any  
21          public or private educational institution or engages in conduct which  
22          disturbs the peace, order or discipline at any public or private  
23          educational institution or on the grounds adjacent ~~thereto; or~~ thereto.
- 24          (6a)   Engages in conduct which disturbs the peace, order, or discipline on  
25          any public school bus or public school activity ~~bus; or~~ bus.
- 26          (7)    ~~Disrupts,~~ Except as provided in subdivision (8) of this subsection,  
27          disrupts, disturbs, or interferes with a religious service or assembly or  
28          engages in conduct which disturbs the peace or order at any religious  
29          service or assembly.
- 30          (8)    Engages in conduct with the intent to impede, disrupt, disturb, or  
31          interfere with the orderly administration of any funeral, memorial  
32          service, or family processional to the funeral or memorial service,  
33          including a military funeral, service, or family processional, or with  
34          the normal activities and functions occurring in the facilities or  
35          buildings where a funeral or memorial service, including a military  
36          funeral or memorial service, is taking place. Any of the following  
37          conduct that occurs within one hour preceding, during, or within one  
38          hour after a funeral or memorial service shall constitute disorderly  
39          conduct under this subdivision:
- 40          a.     Displaying, within 300 feet of the ceremonial site, location  
41          being used for the funeral or memorial, or the family's  
42          processional route to the funeral or memorial service, any visual  
43          image that conveys fighting words or actual or imminent threats

1 of harm directed to any person or property associated with the  
2 funeral, memorial service, or processional route.

3 b. Uttering, within 300 feet of the ceremonial site, location being  
4 used for the funeral or memorial service, or the family's  
5 processional route to the funeral or memorial service, loud,  
6 threatening, or abusive language or singing, chanting, whistling,  
7 or yelling with or without noise amplification in a manner that  
8 would tend to impede, disrupt, disturb, or interfere with a  
9 funeral, memorial service, or processional route.

10 c. Attempting to block or blocking pedestrian or vehicular access  
11 to the ceremonial site or location being used for a funeral or  
12 memorial.

13 As used in this section the term "building or facility" includes the surrounding grounds  
14 and premises of any building or facility used in connection with the operation or  
15 functioning of such building or facility.

16 (b) Any Except as provided in subsection (c) of this section, any person who  
17 willfully engages in disorderly conduct is guilty of a Class 2 misdemeanor.

18 (c) A person who commits a violation of subdivision (8) of subsection (a) of this  
19 section is guilty of:

20 (1) A Class 2 misdemeanor for a first offense.

21 (2) A Class 1 misdemeanor for a second offense.

22 (3) A Class I felony for a third or subsequent offense."

23 **SECTION 2.** This act becomes effective December 1, 2006, and applies to  
24 offenses committed on or after that date.