

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 19

Short Title: Respect our Fallen Heroes. (Public)

Sponsors: Representatives Hastings, T. Moore, Arp, and Szoka (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee B.

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE.

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 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.
(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.
(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.
(4) Refuses to vacate any building or facility of any public or private educational institution in obedience to any of the following:
a. An order of the chief administrative officer of the institution, or the officer's representative, who shall include for colleges and universities the vice chancellor for student affairs or the vice-chancellor's equivalent for the institution, the dean of students or 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.
b. An order given by any fireman or public health officer acting within the scope of the fireman's or officer's authority.
c. If an emergency is occurring or is imminent within the institution, an order given by any law-enforcement officer acting within the scope of the officer's authority.
(5) Shall, after being forbidden to do so by the chief administrative officer, or the officer's authorized representative, of any public or private educational institution:



- 1 a. Engage in any sitting, kneeling, lying down, or inclining so as to
 2 obstruct the ingress or egress of any person entitled to the use of any
 3 building or facility of the institution in its normal and intended use;
 4 or
 5 b. Congregate, assemble, form groups or formations (whether organized
 6 or not), block, or in any manner otherwise interfere with the
 7 operation or functioning of any building or facility of the institution
 8 so as to interfere with the customary or normal use of the building or
 9 facility.
- 10 (6) Disrupts, disturbs or interferes with the teaching of students at any public or
 11 private educational institution or engages in conduct which disturbs the
 12 peace, order or discipline at any public or private educational institution or
 13 on the grounds adjacent thereto.
- 14 (6a) Engages in conduct which disturbs the peace, order, or discipline on any
 15 public school bus or public school activity bus.
- 16 (7) Except as provided in subdivision (8) of this subsection, disrupts, disturbs, or
 17 interferes with a religious service or assembly or engages in conduct which
 18 disturbs the peace or order at any religious service or assembly.
- 19 (8) Engages in conduct with the intent to impede, disrupt, disturb, or interfere
 20 with the orderly administration of any funeral, memorial service, or family
 21 processional to the funeral or memorial service, including a military funeral,
 22 service, or family processional, or with the normal activities and functions
 23 occurring in the facilities or buildings where a funeral or memorial service,
 24 including a military funeral or memorial service, is taking place. Any of the
 25 following conduct that occurs within ~~one hour~~ two hours preceding, during,
 26 or within ~~one hour~~ two hours after a funeral or memorial service shall
 27 constitute disorderly conduct under this subdivision:
- 28 a. Displaying, within ~~300~~ 500 feet of the ceremonial site, location being
 29 used for the funeral or memorial, or the family's processional route to
 30 the funeral or memorial service, any visual image that conveys
 31 fighting words or actual or imminent threats of harm directed to any
 32 person or property associated with the funeral, memorial service, or
 33 processional route.
- 34 b. Uttering, within ~~300~~ 500 feet of the ceremonial site, location being
 35 used for the funeral or memorial service, or the family's processional
 36 route to the funeral or memorial service, loud, threatening, or abusive
 37 language or singing, chanting, whistling, or yelling with or without
 38 noise amplification in a manner that would tend to impede, disrupt,
 39 disturb, or interfere with a funeral, memorial service, or processional
 40 route.
- 41 c. Attempting to block or blocking pedestrian or vehicular access to the
 42 ceremonial site or location being used for a funeral or memorial.

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

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

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

- 50 (1) A ~~Class 2~~ Class 1 misdemeanor for a first offense.
 51 (2) A ~~Class 1~~ misdemeanor-I felony for a second offense.

1 (3) A ~~Class I~~Class H felony for a third or subsequent offense."
2 **SECTION 2.** This act becomes effective December 1, 2013, and applies to
3 offenses committed on or after that date.