



NEW YORK STATE SENATOR

Kenneth P. LaValle

Senate Gives Final Legislative Approval To Bills Limiting Military Funeral Protests

KENNETH P. LAVALLE June 17, 2011

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New York State Senator Kenneth P. LaValle (R,C,I – Port Jefferson) said the Senate gave final legislative approval on Thursday June 16 to two measures that offer additional buffers and restrictions for protests or demonstrations seeking to disrupt military funerals, burials or memorial services. The bills balance the constitutional right of free speech with the ability of families to respectfully mourn the individuals who gave their lives in service to our country.

"Protesting a funeral for political purposes is an abhorrent and disgusting practice," Senator LaValle said. "While such distasteful protests have been ruled constitutionally protected and cannot be legally prohibited, this legislation will help protect grieving families from people who would exploit their suffering."

A recent U.S. Supreme Court decision 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 prompted the legislation.

A companion bill designed to ensure that military families already reeling from grief are not faced with insults and protests was also introduced and both bills were passed by the Senate

on March 14, 2011. The bills were amended and passed the Assembly on June 6, 2011.

The bill S.3901A requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals, and authorizes the imposition of fines for failure to comply with the permit provisions.

The bill S.5605 triples the buffer zone distance for protests around a religious service, funeral, burial or memorial service from 100 feet to 300 feet.

The bills will be sent to the Governor.