

SENATE BILL 3439

By Bell

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3, relative to mass picketing and targeted residential picketing.

WHEREAS, the conduct of picketing, if done in an unlawful manner or for an unlawful purpose, is not beyond the control and responsibilities of the state of Tennessee; and

WHEREAS, the state of Tennessee is a right to work state and recognizes the importance of protecting access to employment; and

WHEREAS, the state has a compelling interest in protecting the safety and well-being of the public from violence, threats of violence, intimidation and other disruptive behavior that may be caused by mass picketing; and

WHEREAS, certain limited and reasonable restrictions are necessary to protect our citizens from these harms; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-307, is amended by designating the existing language of subsections (c) and (d) as subsections (g) and (h) and adding the following as new subsections (c), (d), (e), and (f):

(c)

(1) A person commits an offense who, without legal privilege, engages in any form of mass picketing activity in which:

(A) A picket constitutes an obstacle to the free ingress to and egress from an entrance to any place of employment, either by obstructing the free ingress and egress with the person's body or by placing a vehicle or other physical obstruction for such purpose;

(B) The mass picketing prevents the pursuit of any lawful work or employment;

(C) The person wears a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer and is upon any public way or public property or upon private property of another without the written permission of the owner or occupier of the property to do so;

(D) The picketing constitutes violence, threats of violence, intimidation or other disruptive behavior; or

(E) The mass picketing is of a private residence; provided, that, such mass picketing shall not be prohibited to the extent that the same is protected under the federal or state constitutions.

(2) No part of this subsection (c) shall apply to mass picketing at any governmental building or facility.

(d) For purposes of this section, “mass picketing” means the assembly of persons in the use of pickets or demonstrations at or near any business, school, or private facility.

(e) A person commits an offense who, without legal privilege, engages in the targeted picketing of a private residence that has or intends the effect of interfering with the resident’s right to quiet enjoyment, or where such targeted picketing of a private residence has or intends the effect of violence or intimidation; provided, that this subsection (e) shall not apply to private residences that are also places of employment and the targeted picketing in question relates to or is targeted at such employment.

(f) Upon proper showing, a person or business who is injured or threatened with injury shall be afforded relief in any court of competent jurisdiction to enjoin any behavior made unlawful by subsection (c) or (d).

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.