

SENATE BILL 1661

By Kelsey

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 mass 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 (j) and (k) and adding the following as new subsections (c) through (i):

(c) It is no defense to prosecution that an organization or individual engages in mass picketing to further an objective in the context of a labor dispute.

(d) A person commits an offense who, without legal privilege, intentionally, knowingly or recklessly engages in any form of mass picketing activity in the context of a strike, lockout, or other labor dispute.

(e) For the purposes of this section, "mass picketing" includes:

(1) The stationing of a person representing an organization to apprise the public, by signs or other means, of the existence of a labor dispute pursuant to the National Labor Relations Act, 29 U.S.C. 151 et seq., and the Labor Management Relations Act, 29 U.S.C. 141 et seq., which prevents an individual from the reasonable ingress to and egress from an entrance or exit, to or from any place of employment:

(A) By obstructing the ingress and egress with the person's body; or,

(B) By placing a vehicle or other physical obstruction for such purpose;

(2) Preventing the pursuit of any lawful work or employment by means of disturbance or nuisance;

(3) Constituting as civil rights intimidation as defined in T.C.A. § 39-17-309(b); or

(4) Picketing a private residence that has the effect of interfering with the resident's right to quiet enjoyment, or where the picketing of the private residence has the effect of inciting violence or intimidation; provided, that such mass picketing shall not be prohibited to the extent that the same is protected under the United States Constitution and the Constitution of Tennessee. This subdivision (e)(4) 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) Subsection (e) shall not apply to mass picketing at any governmental building or facility.

(g) For purposes of this section, "labor dispute" means any controversy concerning the terms of conditions of employment, or concerning the association of representation of persons in negotiating, fixing, maintaining, changing, or

seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relationship of employer and employee.

(h) If, in a labor dispute, an organization or individual is engaged in mass picketing at a business or private residence, the business or property owner shall be able to seek injunctive relief without the showing of irreparable harm. 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 (d).

(i) Nothing in this section shall be interpreted to alter, modify or amend the protections afforded under the federal labor laws, including the National Labor Relations Act, compiled in 29 U.S.C. § 131 et seq. or the Labor Management Relations Act, compiled in 29 U.S.C. § 401-531 et seq.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.