

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 1

Introduced By: Executive Board: Engel, 17, Chairperson;
Read first time: January 4, 2007
Committee: Placed On General File

A BILL

1 FOR AN ACT relating to picketing; to amend sections 28-1317 and
2 28-1318, Reissue Revised Statutes of Nebraska; to remove
3 language held unconstitutional in United Food and Commercial
4 Workers International Union, AFL-CIO, CLC v. IBP, Inc., 857
5 F.2d 422; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1317 Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-1317. (1) A person commits the offense of unlawful
4 picketing if, either singly or by conspiring with others, he or she
5 interferes, or attempts to interfere, with any other person in the
6 exercise of his or her lawful right to work, or right to enter upon
7 or pursue any lawful employment he or she may desire, in any lawful
8 occupation, self-employment, or business carried on in this state,
9 by:

10 (a) Using threatening language toward such person or any
11 member of his or her immediate family, or in his, her, or their
12 presence or hearing, for the purpose of inducing or influencing, or
13 attempting to induce or influence, such person to quit his or her
14 employment, or to refrain from seeking or freely entering into
15 employment; ~~or , or by persisting in talking to or communicating in~~
16 ~~any manner with such person or members of his or her immediate family~~
17 ~~against his, her or their will, for such purpose; or~~

18 (b) Following or intercepting such person from or to his or
19 her work, from or to his or her home or lodging, or about the city,
20 against the will of such person, for such purpose; or

21 (c) Menacing, threatening, coercing, intimidating, or
22 frightening in any manner such person for such purpose; or

23 (d) Committing an assault upon such person for such purpose;
24 or

25 (e) Picketing or patrolling the place of residence of such
26 person, or any street, alley, road, highway, or any other place, where
27 such person may be, or in the vicinity thereof, for such purpose,

1 against the will of such person.

2 (2) Unlawful picketing is a Class III misdemeanor. Each
3 violation shall constitute a separate offense.

4 Sec. 2. Section 28-1318 Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 28-1318. (1) Mass picketing shall mean any form of picketing
7 ~~in which there are more than two pickets at any one time within~~
8 ~~either fifty feet of any entrance to the premises being picketed or~~
9 ~~within fifty feet of any other picket or pickets, or in which~~
10 pickets constitute an obstacle to the free ingress and egress to and
11 from the premises being picketed or any other premises, or upon the
12 public roads, streets, or highways, either by obstructing by their
13 persons or by the placing of vehicles or other physical obstructions.

14 (2) A person commits the offense of mass picketing if singly
15 or in concert with others, he or she engages in or aids and abets
16 any form of picketing activity that ~~shall constitute~~ constitutes
17 mass picketing as defined in subsection (1) of this section

18 (3) Mass picketing is a Class III misdemeanor. Each
19 violation shall constitute a separate offense.

20 (4) Any person who shall legally picket by any means or
21 methods other than those forbidden in this section or in section
22 28-1317 shall visibly display on his or her person a sign showing the
23 name of the protesting organization he or she represents. The
24 composition of the sign shall be uppercase lettering of not less than
25 two and one-half inches in height.

26 Sec. 3. Original sections 28-1317 and 28-1318, Reissue
27 Revised Statutes of Nebraska, are repealed.

