

Gavel to Gavel: Halloween Laws

Halloween is often perceived as the day when all laws of space and time are suspended. This ancient belief dating back some 2,000 years ago remains strong. Our steadfast judicial system even bends the rules a little when it comes to Halloween madness.

Ask the Louisiana woman who was unable to recover for damages after she broke her leg running away from Jason and his chainsaw. The court held the haunted house had no duty to protect her.

Louisiana's not alone. Oklahoma prohibits a person from wearing a mask, hood, or covering that would conceal their identity for the purpose of intimidation or harassment – unless you are at a masquerade party or performing a Halloween prank. Similar laws can be found in numerous other states, including Louisiana, Virginia, Georgia, West Virginia, Michigan, Florida and South Carolina.

But the law doesn't always let things slide on Halloween. An Arkansas court, citing numerous other jurisdictions as support, held that a state, in exercising its police power, may constitutionally ban all fortune-telling. It's rumored that North Carolina passed a local ordinance in the 1970s banning the distribution of Halloween candy containing poisonous chemicals, razor blades, or shards of broken glass.

Oh, and a friendly piece of advice: Make sure to go out of your way to smile and wave at your neighbor, or you may end up seeing a personalized homemade tombstone like this, which was the focus of a Florida lawsuit for emotional distress: "At 48, she had no mate, no date, it's no debate, she looks 88, she met her fate, in a crate, now we celebrate!"

If you're beginning to panic because you believe it's too late to make nice with the neighbors, have no fear. An Illinois court found that a policeman's removal of this homemade tombstone didn't violate the owner's First or Fourth Amendment rights: "Old Man Crimp was a gimp who couldn't hear. Sliced his wife from ear to ear, she died ... he was fried. Now they're together again side by side!"

One last piece of advice for Halloween lovers: If you're lucky enough to attend jury duty on this magical holiday, don't forget your favorite costume! A Massachusetts judge recently allowed jurors to wear costumes to court on Halloween.