

HOUSE BILL No. 2020

By Representatives Goyle and Whitham

1-8

9 AN ACT concerning the Kansas funeral picketing act; amending K.S.A.
10 21-4015 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 21-4015 is hereby amended to read as follows: 21-
14 4015. (a) This section shall be known and may be cited as the Kansas
15 funeral picketing act.

16 (b) The legislature finds that:

17 (1) It is generally recognized that families have a substantial interest
18 in organizing and attending funerals for deceased relatives; and

19 (2) the interests of families in privately and peacefully mourning the
20 loss of deceased relatives are violated when funerals are targeted for pick-
21 eting and other public demonstrations; and

22 (3) picketing of funerals causes emotional disturbance and distress to
23 grieving families who participate in funerals; and

24 (4) full opportunity exists under the terms and provisions of this sec-
25 tion for the exercise of freedom of speech and other constitutional rights
26 at times other than within one hour prior to, during and two hours fol-
27 lowing the commencement of funerals.

28 (c) The purposes of this section are to:

29 (1) Protect the privacy of grieving families within one hour prior to,
30 during and two hours following the commencement of funerals; and

31 (2) preserve the peaceful character of cemeteries, mortuaries and
32 churches within one hour prior to, during and two hours following the
33 commencement of funerals.

34 (d) As used in this section:

35 (1) "Funeral" means ~~the ceremonies, processions and memorial serv-~~
36 ~~ices held in connection with the burial or cremation of the dead any~~
37 *ceremony, procession or memorial service in connection with the death*
38 *of a person.*

39 (2) "Picketing" means protest activities ~~engaged in by a person or~~
40 ~~persons stationed before or about a cemetery, mortuary or church within~~
41 ~~one hour prior to, during and two hours following the commencement of~~
42 ~~a funeral or a directed protest march.~~

43 (e) It is unlawful for any person to:

- 1 (1) Engage in picketing ~~before or about~~ *at any public location within*
2 *200 feet of any entrance to any cemetery, church or mortuary, mortuary*
3 *or other location where a funeral is held or conducted*, within one hour
4 prior to, during and two hours following the commencement of a funeral;
5 *or*
- 6 (2) *obstruct or prevent the intended uses of a public street, public*
7 *sidewalk or other public space while engaged in picketing, as described*
8 *in paragraph (1).*
- 9 (f) A violation of subsection (e) is a class B person misdemeanor. Each
10 day on which a violation of subsection (e) occurs shall constitute a separate
11 offense.
- 12 (g) Notwithstanding the penalties provided in subsection (f), any dis-
13 trict court may enjoin conduct proscribed by this section and may in any
14 such proceeding award damages, including punitive damages, attorney
15 fees or other appropriate relief against the persons found guilty of actions
16 made unlawful by subsection (e).
- 17 (h) If any provision of this section or the application thereof to any
18 person or circumstances is held invalid, the invalidity does not affect other
19 provisions or applications of this section which can be given effect without
20 the invalid provisions or application. To this end the provisions of this
21 section are severable.
- 22 Sec. 2. K.S.A. 21-4015 is hereby repealed.
- 23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the statute book.