

HOUSE BILL No. 2970

By Committee on Federal and State Affairs

3-14

9 AN ACT concerning funerals; relating to the Kansas funeral privacy act;
10 repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of
11 the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) This section shall be known and may be cited as the
15 Kansas funeral privacy act.

16 (b) The legislature finds that:

17 (1) Family members have a personal stake in honoring and mourning
18 their dead and objecting to unwarranted public exploitation that, by in-
19 truding upon their own grief, tends to degrade the rites and respect they
20 seek to accord to the deceased person who was once their own.

21 (2) The state has a substantial interest in protecting the legitimacy of
22 funerals and ensuring freedom from disturbance.

23 (3) Due to the nature of funerals, the funeral attendees constitute a
24 captive audience.

25 (4) Full opportunity exists under the terms and provisions of this sec-
26 tion for the exercise of freedom of speech and other constitutional rights
27 at times other than within one hour prior to, the scheduled commence-
28 ment of a funeral, during a funeral, or within two hours following the
29 completion of a funeral.

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

31 (1) Protect the privacy of grieving families; and

32 (2) preserve the substantial privacy interest in funerals.

33 (d) As used in this section:

34 (1) "Funeral" means the ceremonies, processions and memorial serv-
35 ices held in connection with the burial or cremation of a person.

36 (2) "Public demonstration" means:

37 (A) Any picketing or similar conduct, or

38 (B) any oration, speech, use of sound amplification equipment or de-
39 vice, or similar conduct that is not part of a funeral.

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

41 (1) Engage in a public demonstration at any public location within
42 150 feet of any entrance to any cemetery, church, mortuary or other
43 location where a funeral is held or conducted, within one hour prior to

1 the scheduled commencement of a funeral, during a funeral or within
2 two hours following the completion of a funeral;

3 (2) knowingly obstruct, hinder, impede or block another person's en-
4 try to or exit from a funeral; or

5 (3) knowingly impede vehicles which are part of a funeral procession.

6 (f) A violation of subsection (e) is a class B person misdemeanor. Each
7 day on which a violation of subsection (e) occurs shall constitute a separate
8 offense.

9 (g) If any provision of this section or the application thereof to any
10 person or circumstances is held invalid, the invalidity does not affect other
11 provisions or applications of this section which can be given effect without
12 the invalid provisions or application. To this end the provisions of this
13 section are severable.

14 Sec. 2. K.S.A. 21-4015, as amended by section 1 of chapter 111 of
15 the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a are
16 hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the Kansas register.