

SENATE BILL No. 685

By Committee on Ways and Means

3-17

9 AN ACT concerning the Kansas funeral picketing act; repealing K.S.A.
10 21-4015, as amended by section 1 of chapter 111 of the 2007 session
11 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 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 or
41 other location where a funeral is held or conducted within one hour prior
42 to, during and two hours following the commencement of a funeral.

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

- 1 (1) Engage in picketing before or about or a directed protest march at
2 any public location within 300 yards of any entrance to any cemetery,
3 church or mortuary or other location where a funeral is held or conducted
4 within one hour prior to, during and two hours following the commence-
5 ment of a funeral or memorial service, except on public streets, public
6 sidewalks or other public spaces; or
7 (2) obstruct or prevent the intended uses of a public street, public
8 sidewalk or other public space while engaged in picketing or a directed
9 protest, as described in subsection (1).
- 10 (f) A violation of subsection (e) is a class B person misdemeanor. Each
11 day on which a violation of subsection (e) occurs shall constitute a separate
12 offense.
- 13 (g) Notwithstanding the penalties provided in subsection (f), any dis-
14 trict court may enjoin conduct proscribed by this section and may in any
15 such proceeding award damages, including punitive damages, attorney
16 fees or other appropriate relief against the persons found guilty of actions
17 made unlawful by subsection (e).
- 18 (h) If any provision of this section or the application thereof to any
19 person or circumstances is held invalid, the invalidity does not affect other
20 provisions or applications of this section which can be given effect without
21 the invalid provisions or application. To this end the provisions of this
22 section are severable.
- 23 Sec. 2. K.S.A. 21-4015, as amended by section 1 of Chapter 111 of
24 the 2007 session laws of Kansas, and K.S.A. 2007 Supp. 75-702a are
25 hereby repealed.
- 26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the Kansas register.