

HOUSE BILL No. 2815

By Committee on Taxation

2-2

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;

24 (4) *there are concurrent duties to protect both the constitutional*
25 *rights and the safety and security of all citizens;*

26 (5) *picketing and other public demonstrations at funerals are likely*
27 *to cause a breach of the peace;*

28 (6) *to help ensure public order and protect the safety and security of*
29 *all citizens, a reasonable but sufficient distance must be maintained be-*
30 *tween any picketers and families and friends of the deceased; and*

31 ~~(4)~~ (7) full opportunity exists under the terms and provisions of this
32 section for the exercise of freedom of speech and other constitutional
33 rights at times other than within one hour prior to, during and two hours
34 following the commencement of funerals.

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

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

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

41 (d) As used in this section:

42 (1) "Funeral" means ~~the ceremonies, processions and memorial serv-~~
43 ~~ices held in connection with the burial or cremation of the dead~~ *any*

1 *ceremony, procession or memorial service held in connection with the*
2 *death of a person.*

3 (2) "Picketing" means protest activities engaged in by a person or
4 persons stationed before or about a cemetery, ~~mortuary or church~~ *funeral*
5 *establishment, church or other location where a funeral is held or con-*
6 *ducted* within one hour prior to, during and two hours following the com-
7 mencement of a funeral.

8 (e) It is unlawful for any person to engage in picketing ~~before or about~~
9 *or a directed protest march at any public location within 300 feet of any*
10 *entrance to any cemetery, church or mortuary, funeral establishment or*
11 *other location where a funeral is held or conducted* or within one hour
12 prior to, during and two hours following the commencement of a funeral.

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

16 (g) Notwithstanding the penalties provided in subsection (f), any dis-
17 trict court may enjoin conduct proscribed by this section and may in any
18 such proceeding award damages, including punitive damages, attorney
19 fees or other appropriate relief against the persons found guilty of actions
20 made unlawful by subsection (e).

21 (h) If any provision of this section or the application thereof to any
22 person or circumstances is held invalid, the invalidity does not affect other
23 provisions or applications of this section which can be given effect without
24 the invalid provisions or application. To this end the provisions of this
25 section are severable.

26 Sec. 2. K.S.A. 21-4015 is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.