

As Amended by House Committee

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 421

By Senators Schodorf and McGinn, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Morris, Ostmeyer, Petersen, Pine, D. Schmidt, V. Schmidt, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson and Wysong

1-23

16 AN ACT concerning the Kansas funeral picketing act; amending K.S.A.
17 21-4015 and repealing the existing section.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

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

23 (b) The legislature finds that:

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

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

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

31 (4) full opportunity exists under the terms and provisions of this sec-
32 tion for the exercise of freedom of speech and other constitutional rights
33 at times other than within one hour prior to, during and two hours fol-
34 lowing 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 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,~~
5 **church or other location where a funeral is held or conducted** within
6 one hour prior to, during and two hours following the commencement of
7 a funeral.

8 (e) It is unlawful for any person to: **(1)** engage in picketing ~~before or~~
9 ~~about~~ **or a directed protest march at any public location within 300 feet**
10 **yards of any entrance to any cemetery, church or mortuary, mortuary**
11 **or other location where a funeral is held or conducted** within one
12 hour prior to, during and two hours following the commencement of a
13 funeral ~~or memorial service, except on public streets, public sidewalks~~
14 ~~or other public spaces; or~~

15 **(2) obstruct or prevent the intended uses of a public street, pub-**
16 **lic sidewalk or other public space while engaged in picketing or a**
17 **directed protest, as described in subsection (1).**

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

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

26 (h) If any provision of this section or the application thereof to any
27 person or circumstances is held invalid, the invalidity does not affect other
28 provisions or applications of this section which can be given effect without
29 the invalid provisions or application. To this end the provisions of this
30 section are severable.

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

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