

SESSION OF 2007

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 244**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for SB 244 would create the Kansas Privacy Act by prohibiting persons from engaging in picketing or a directed protest within 150 yards of any entrance to any cemetery, church, mortuary, or other location where a funeral is held or conducted.

The prohibition would commence within one hour prior to, the scheduled commencement of a funeral, during a funeral, or within two hours following the completion of a funeral. Public demonstration also would be prohibited from blocking another person's entry to or exit from a funeral; or impeding vehicles which are part of a funeral procession.

The bill would define a funeral as the ceremonies, processions and memorial services held in connection with the burial or cremation of a person. The bill also would define public demonstration as any picketing or similar conduct, or any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral.

The bill would allow defamation lawsuits by the estate on behalf of the person or any living relative of the deceased person.

The bill would not be effective until after the Kansas Supreme Court or a federal court upholds the constitutionality of the bill's provisions. In addition, if the court action is brought in a district court of the state, then the judgement of that district

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

court would be appealed directly to the Kansas Supreme Court. The Attorney General would be required to seek judicial determination of the constitutionality of the bill.

## **Background**

The sponsor of the bill was Senator Derek Schmidt. Written testimony in support of the bill was submitted by two individuals.

The Senate Committee amended the bill dealing with the constitutionality of the bill by requiring the Attorney General to seek judicial determination of the constitutionality of the bill.

The House Committee on Federal and State Affairs renamed the Act; replaced picketing with public demonstration; redefined funeral; defined public demonstration; and changed the distance from 300 feet to 150 feet.

The House Committee of the Whole amended the bill by adding language that states that “at times other than within one hour prior to, the scheduled commencement of a funeral, during a funeral, or within two hours following the completion of a funeral.” In addition, the bill was amended to allow for direct appeal of a district court decision to the Kansas Supreme Court and two technical corrections.

There was no fiscal note available at the time of passage of the bill.