

CHAPTER 37

HOUSE Substitute for SENATE BILL No. 226

AN ACT concerning funerals; relating to the Kansas funeral privacy act; repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a.

Be it enacted by the Legislature of the State of Kansas:

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

(b) The legislature finds that:

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

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

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

(4) Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights 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.

(c) The purposes of this section are to:

(1) Protect the privacy of grieving families; and

(2) preserve the substantial privacy interest in funerals.

(d) As used in this section:

(1) "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of a person.

(2) "Public demonstration" means:

(A) Any picketing or similar conduct, or

(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral.

(e) It is unlawful for any person to:

(1) Engage in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;

(2) knowingly obstruct, hinder, impede or block another person's entry to or exit from a funeral; or

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

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

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

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

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

Approved April 3, 2008.

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