

SECOND REGULAR SESSION

HOUSE BILL NO. 1204

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANZ.

5074L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof four new sections relating to unlawful picketing of a funeral, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 578.501, 578.502, and 578.503, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 578.501, 578.502, 578.503 and 1, to read as follows:

578.501. 1. [This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.] **The legislature finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the death of relatives are violated when funerals are targeted for picketing or protest activities.**

2. **The legislature also recognizes that individuals have a constitutional right to free speech and that in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefore, the legislature declares that the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **purposes of sections 578.502 and 578.503 are to protect the privacy of grieving families and**
18 **to preserve the peaceful character of cemeteries, mortuaries, churches, and other places**
19 **of worship during a funeral while still providing picketers and protestors the opportunity**
20 **to communicate their message at a time and place that minimizes the interference with the**
21 **rights of funeral participants.**

578.502. 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2 2. [It shall be unlawful for any person to engage in picketing or other protest activities
3 within three hundred feet of or about any location at which a funeral is held, within one hour
4 prior to the commencement of any funeral, and until one hour following the cessation of any
5 funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of
6 this section is a class B misdemeanor, unless committed by a person who has previously pled
7 guilty to or been found guilty of a violation of this section, in which case the violation is a class
8 A misdemeanor.

9 3.] For purposes of [this section,] **sections 578.501 to 578.503 the following terms shall**
10 **mean:**

11 (1) "Funeral" [means] , the ceremonies[, processions,] and memorial services held in
12 connection with the burial or cremation of the dead **but does not include funeral processions**
13 **on public streets or highways; and**

14 (2) "**Picketing of a funeral**", **protest activities engaged in by a person or persons**
15 **located within five hundred feet of a cemetery, mortuary, church, or other place of worship**
16 **during a funeral.**

578.503. [The enactment of section 578.502 shall become effective only on the date the
2 provisions of section 578.501 are finally declared void or unconstitutional by a court of
3 competent jurisdiction and upon notification by the attorney general to the revisor of statutes.]

4 **1. A person commits the crime of unlawful picketing of a funeral if such person engages**
5 **in picketing from two hours prior through two hours following the commencement of a**
6 **funeral.**

7 **2. Unlawful picketing of a funeral is a class B misdemeanor, unless committed by**
8 **a person who has previously pled guilty or been found guilty of a violation of this section,**
9 **in which case it is a class A misdemeanor.**

10 **3. For any cause of action brought pursuant to actions which violate this section to**
11 **recover for emotional distress, the plaintiff shall not be required to prove physical**
12 **manifestation of such damage.**

Section 1. The provisions of sections 578.501 to 578.503 are severable. If any part
2 **of sections 578.501 to 578.503 are declared invalid or unconstitutional, it is the intent of the**

3 legislature that the remaining portions of sections 578.501 to 578.503 shall remain and be
4 in full force and effect.

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