

HB 1204 -- Unlawful Picketing of a Funeral

Sponsor: Franz

This bill changes the laws regarding unlawful picketing or protesting of a funeral. In its main provisions, the bill:

(1) Removes the current provisions regarding unlawful picketing in front of or about any location at which a funeral is held;

(2) Specifies that the legislature finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for 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 and that individuals have a constitutional right to free speech but that these competing interests must be balanced. The legislature declares that the purpose of these provisions is to protect the privacy of grieving families and to preserve the peaceful character of cemeteries and other places of worship during a funeral while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of funeral participants;

(3) Removes the provision regarding unlawful picketing within 300 feet of or about any location at which a funeral is held;

(4) Revises the definition of "funeral" to the ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets or highways;

(5) Defines "picketing of a funeral" as protest activities engaged in by a person or persons located within 500 feet of a cemetery, mortuary, church, or other place of worship during a funeral;

(6) Specifies that a person commits the crime of unlawful picketing of a funeral, a class B misdemeanor, if he or she engages in picketing from two hours prior to through two hours following the commencement of a funeral unless the person has previously pled guilty to or been found guilty of a violation of this section in which case he or she will be guilty of a class A misdemeanor; and

(7) Specifies that for any cause of action brought pursuant to these provisions to recover for emotional distress, the plaintiff cannot be required to prove physical manifestation of the damage.

The bill contains a severability clause and if any part of the bill is declared invalid or unconstitutional, it is the intent of the legislature that the remaining provisions will remain and be in full force and effect.