

FIRST REGULAR SESSION

HOUSE BILL NO. 931

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (Sponsor), HIGDON, HOUGHTON, ENTLICHER,
LICHTENEGGER, KELLEY (126), KLIPPENSTEIN, BRATTIN, HOSKINS, REDMON,
LANT AND BROWN (85) (Co-sponsors).

2053L.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 one new section relating to a Missouri funeral demonstration zone, 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Section A. Sections 578.501, 578.502, and 578.503, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 578.501, to read as follows:

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

2 2. **There is hereby created within the state of Missouri a "Funeral Demonstration**
3 **Zone"** which shall be any area located within two hundred fifty feet of any funeral, funeral
4 home, cemetery, crematorium or funeral procession route and any person wishing to
5 demonstrate within a funeral demonstration zone during the time period of two hours
6 prior to through two hours following the commencement of a funeral shall first acquire a
7 Missouri funeral demonstration permit from the division of professional registration
8 within the department of insurance, financial institutions and professional registration.

9 3. The director shall develop the permit, a filing process and a form for persons to
10 use to apply for a permit. The director shall issue a Missouri funeral demonstration permit
11 to any person who applies for such and pays a permit fee of ten thousand dollars. Twenty-
12 five dollars of the permit fee shall go to the division of professional registration to defray
13 the costs of issuing and filing the permits and dividing and distributing the money. The
14 remainder of the fee shall go to the "Family Funeral Victimization Fund" which is hereby
15 created in the state treasury and which shall consist of money collected under 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.

16 provisions of this section. The state treasurer shall be custodian of the fund. In
17 accordance with sections 30.170 and 30.180 the state treasurer may approve disbursements.
18 The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be
19 used solely for the administration of this section.

20 4. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
21 remaining in the fund at the end of the biennium shall not revert to the credit of the
22 general revenue fund.

23 5. The state treasurer shall invest moneys in the fund in the same manner as other
24 funds are invested. Any interest and moneys earned on such investments shall be credited
25 to the fund.

26 6. The director shall develop guidelines for dividing and distributing the money in
27 the fund each year between the families victimized by funeral protests during that year.

28 7. The director shall promulgate any rules or regulations necessary to carry out the
29 provisions of this section. Any rule or portion of a rule, as that term is defined in section
30 536.010, that is created under the authority delegated in this section shall become effective
31 only if it complies with and is subject to all of the provisions of chapter 536 and, if
32 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
33 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
34 the effective date, or to disapprove and annul a rule are subsequently held
35 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
36 after August 28, 2011, shall be invalid and void.

37 8. It shall be unlawful for any person to [engage in picketing or other protest activities
38 in front of or about any location at which a funeral is held] **demonstrate in a funeral**
39 **demonstration zone without a Missouri funeral demonstration permit**, within [one hour]
40 **two hours** prior to the commencement of any funeral, and until [one hour] **two hours** following
41 the cessation of any funeral. Each day on which a violation occurs shall constitute a separate
42 offense. Violation of this section is a class [B] **A** misdemeanor, unless committed by a person
43 who has previously pled guilty to or been found guilty of a violation of this section, in which
44 case the violation is a class [A misdemeanor] **D felony**.

45 [3.] 9. For the purposes of this section, **the following terms shall mean:**

46 (1) **"Director"**, the director of the division of professional registration;

47 (2) **"Demonstrate"**, protest activities engaged in by a person or group of persons;

48 (3) **"Funeral"** [means] , the ceremonies, processions and memorial services held in
49 connection with the burial or cremation of the dead.

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

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

11 3. For purposes of this section, "funeral" means the ceremonies,
12 processions, and memorial services held in connection with the burial or
13 cremation of the dead.]

14
2 [578.503. The enactment of section 578.502 shall become effective only
3 on the date the provisions of section 578.501 are finally declared void or
4 unconstitutional by a court of competent jurisdiction and upon notification by the
attorney general to the revisor of statutes.]