

HCS HB 276, 233 & 274 -- UNLAWFUL PICKETING OF A FUNERAL

SPONSOR: Franz

COMMITTEE ACTION: Voted "do pass" by the Committee on General Laws by a vote of 12 to 3.

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

(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 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 300 feet of a cemetery, mortuary, church, or other place of worship during a funeral; and

(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 one hour prior to through two hours after a funeral unless the person has previously pled guilty to or been found guilty of a violation of the substitute in which case he or she will be guilty of a class A misdemeanor.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPONENTS: Supporters of the bills say that the legislation will allow families to mourn in peace and to be free of harassment and intimidation. Free speech rights are important, but these rights must not infringe on the rights of others.

Testifying for HB 276 were Representative Franz; Missouri Funeral Directors and Embalmers Association; and Missouri Family Network.

Testifying for HB 233 were Representative Lant; Missouri Funeral Directors and Embalmers Association; and Missouri Family Network.

Testifying for HB 274 were Representative Bahr; Missouri Funeral Directors and Embalmers Association; and Missouri Family Network.

OPPONENTS: Those who oppose the bills say that the legislation is unconstitutional based on the grounds of freedom of speech.

Testifying against the bills was American Civil Liberties Union - Eastern Missouri.

OTHERS: Others testifying on House Bill 276 say mourning families of deceased military personnel are placed under additional unnecessary stress by these protesting activities.

Testifying on HB 276 was Representative Hodges.