

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2923

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**Version:** First Engrossment

**Authors:** Seifert

**Subject:** Prohibiting the willful disruption of a funeral

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### Overview

This bill prohibits the willful and knowing disruption of a funeral, burial, or memorial service. It creates criminal penalties for a violation, and also provides certain civil remedies.

#### Section

1

**Definitions.** Defines the following key terms by cross reference to existing definitions in mortuary science law (§ 149A.02).

*"Funeral ceremony"* means a service or rite commemorating the deceased with the body present.

*"Funeral services"* means any services which may be used to: (1) care for and prepare dead human bodies for burial, cremation, or other final disposition; and (2) arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.

*"Graveside service"* means a service or rite, conducted at the place of interment, commemorating the deceased with the body present.

*"Memorial service"* means a ceremony or rite commemorating the deceased without the body present.

2

**Crime to disrupt.** Creates criminal penalties for the *"knowing and willful"* disruption:

- in any manner, and for any reason

## Section

- the funeral service, funeral ceremony, graveside service or memorial service
- for any deceased person.

The first violation is a *misdemeanor* crime. A repeat violation is a *gross misdemeanor*.

The term "*disruption*" is broadly (but not exclusively) defined to include:

1. public protesting or picketing on the day of the service or ceremony within 300 feet of the location(s) at which the service or ceremony is being held, if it is likely to cause emotional distress to any mourning family member;
2. impeding any part of the service or ceremony; and
3. targeted protest or picketing within 300 feet of the home of any member of the deceased person's immediate family.

"*Disruption*" also includes public protest or picketing *for any reason* and *at any time* within 300 feet of the home or place of employment of any surviving member of the deceased person's immediate family, if the protest or picketing *could reasonably be construed as intended to disrupt* the surviving member's *grieving process*.

### **3 Civil remedies.** Provides the following civil remedies:

- the court may enjoin the prohibited conduct (i.e., issue an injunction against a person or group based upon credible evidence of a likely violation);
- the court may award damages, including attorney fees or other appropriate relief; and
- any surviving member of the deceased person's immediate family who is damaged or threatened with loss or injury by reason of a violation may sue for injunctive relief and appropriate remedial compensation.

**Effective date.** This section is effective August 1, 2006.