

LB284

LB284 Bill History

Introduced by: Sen. Bob Krist

Heard by: Judiciary Committee

LB284 Summary

LB284 would prohibit picketing of a funeral or memorial service within five hundred feet of a cemetery, mortuary, church, or other place of worship at the time of a funeral or memorial service.

LB284 Talking Points

For LB284

- A funeral service is not a traditional public forum in which funeral protestors can claim a First Amendment right to express their hateful messages. No court ever has held or suggested that a funeral service is a public forum for First Amendment purposes.
- Twenty other states have enacted laws that require funeral protestors to stay at least 500 feet away. Of those 20 states, five of them - Maine, Mississippi, South Carolina, South Dakota and Texas - have 1,000-foot requirements.
- A 2004 U.S. Supreme Court decision recognized that family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that degrades burial rites.

Against LB284

- Much like people who protest outside an abortion clinic, funeral protestors still have a right to have their message heard. However, people who are attempting to access reproductive services or those who are attempting to attend a funeral have a right to do so without interruption. Therefore the current state limit of 300 feet is reasonable.
 - A court decision found that any distress caused by funeral picketing was related to the content of the message, not with interference of the funeral itself. If a group of people had held signs that said "God Bless America" or "God Loves You" would not be subject to liability, so another group should not be held liable due to the content of its message.
 - Funeral picketing cannot be restricted simply because it is upsetting or arouses contempt. The Supreme Court has previously held that the "government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable."
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Further Research

Nebraska Legislature: <http://nebraskalegislature.gov/>

Unicameral Update: <http://update.legislature.ne.gov/>

Judiciary Committee: <http://news.legislature.ne.gov/jud/>

Committee Statement: <http://www.legislature.ne.gov/FloorDocs/102/PDF/CS/LB284.pdf>

