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MUNICIPAL ORDINANCE - KANSAS

City of Wichita v. Griffie

Supreme Court of Kansas - March 15, 2024 - P.3d - 2024 WL 1123460

Protestor sought judicial review of municipal court decision finding her guilty of violating city ordinance criminalizing noisy conduct.

The District Court entered judgment on jury's verdict finding protester guilty of unlawful assembly. Protester appealed, and the Court of Appeals affirmed. Protester petitioned for review.

The Supreme Court held that:

- The scope of the ordinance extended to conduct protected by the First Amendment;
- Ordinance criminalized a substantial amount of First Amendment protected activity in relation to its plainly legitimate sweep;
- Ordinance's actus reus or mens rea did not place any meaningful restriction on the law's application to First Amendment protected activity; but
- "Noisy conduct" provision of city's disorderly conduct ordinance was facially overbroad in violation of the First Amendment but could be severed from the rest of the ordinance.