

**Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06-0993.01 Stephen Miller

HOUSE BILL 06-1382

HOUSE SPONSORSHIP

Merrifield, McFadyen, Penry, Cloer, Larson, White, Stafford, Gallegos, Balmer, Benefield, Butcher, Carroll T., Cerbo, Clapp, Coleman, Decker, Frangas, Green, Hodge, Lindstrom, Madden, Marshall, Massey, May M., McKinley, Paccione, Plant, Ragsdale, Riesberg, Rose, Solano, Soper, Stengel, Todd, and Vigil

SENATE SPONSORSHIP

Shaffer, and Jones

House Committees
Judiciary

Senate Committees
State, Veterans & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "RIGHT TO REST IN PEACE ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the "Right to Rest in Peace Act". Makes it a class 3 misdemeanor to engage in picketing within 500 feet of a funeral site during the period from one hour before the scheduled commencement of a funeral until one hour after the completion of the funeral. Makes a second or subsequent offense a class 2 misdemeanor.

Authorizes district courts to award damages, including punitive damages, attorney fees, or other appropriate relief, against a person or persons found guilty of engaging in picketing that is prohibited.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 21, 2006

HOUSE
Amended 2nd Reading
April 20, 2006

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) This act shall be
3 known and may be cited as the "Right to Rest in Peace Act".

4 (2) The general assembly finds and declares that:

5 (a) Families and friends of persons who have died have a
6 substantial interest in organizing and attending funerals for the deceased;

7 ==

8 (b) Those attending funerals have a right to attend without being
9 subjected to unwanted offensive speech, demonstrations, visual displays,
10 interference, or other actions that contribute to increased and unnecessary
11 additional emotional distress;

12 (c) Funerals themselves are an expression of the freedoms of
13 speech, religion, and assembly protected by the United States and
14 Colorado constitutions, and, therefore, the state has a substantial interest
15 in allowing funerals to be conducted without interference or disruption
16 from violent, abusive, indecent, profane, boisterous, unreasonably loud,
17 or otherwise disorderly conduct; and

18 (d) Any distances less than those described in this act would be
19 insufficient to assure that the grief felt by persons attending the funeral
20 would not be increased by violent, abusive, indecent, profane, boisterous,
21 unreasonably loud, or otherwise disorderly conduct.

22 (3) The general assembly, therefore, determines it is necessary to
23 enact this act in order to:

24 (a) Protect the privacy of grieving families and others who are
25 entering, attending, or leaving a funeral;

26 (b) Preserve the peaceful character of funerals and funeral sites;

1 and

2 (c) Allow for a sufficient distance away from a funeral site so that
3 mourners can be assured that the funeral is not disrupted by violent,
4 abusive, indecent, profane, boisterous, unreasonably loud, or otherwise
5 disorderly conduct.

6 **SECTION 2.** 18-9-101, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
8 read:

9 **18-9-101. Definitions.** As used in this part 1, unless the context
10 otherwise requires:

11 (1.4) "FUNERAL" MEANS THE CEREMONIES, RITUALS, AND
12 MEMORIAL SERVICES HELD _____ IN CONNECTION WITH THE BURIAL,
13 CREMATION, OR MEMORIAL OF A DECEASED PERSON, INCLUDING THE
14 ASSEMBLY AND DISPERSAL OF THE MOURNERS.

15 (1.5) "FUNERAL SITE" MEANS A CHURCH, SYNAGOGUE, MOSQUE,
16 FUNERAL HOME, MORTUARY, CEMETERY, GRAVESITE, MAUSOLEUM, OR
17 OTHER PLACE WHERE A FUNERAL IS CONDUCTED.

18 **SECTION 3.** 18-9-106 (3), Colorado Revised Statutes, is
19 amended to read:

20 **18-9-106. Disorderly conduct.** (3) (a) An offense under
21 ~~subsections (1) (a) to (1) (c)~~ PARAGRAPH (a) OR (c) OF SUBSECTION (1) of
22 this section is a class 1 petty offense; EXCEPT THAT, IF THE OFFENSE IS
23 COMMITTED WITH INTENT TO DISRUPT, IMPAIR, OR INTERFERE WITH A
24 FUNERAL, OR WITH INTENT TO CAUSE SEVERE EMOTIONAL DISTRESS TO A
25 PERSON ATTENDING A FUNERAL, IT IS A CLASS 2 MISDEMEANOR.

26 (b) An offense under ~~subsection (1) (d)~~ PARAGRAPH (d) OF
27 SUBSECTION (1) of this section is a class 3 misdemeanor.

1 (c) An offense under ~~subsection (1) (e) or (1) (f)~~ PARAGRAPH (e)
2 OR (f) OF SUBSECTION (1) of this section is a class 2 misdemeanor.

3 **SECTION 4.** 18-9-107 (3), Colorado Revised Statutes, is
4 amended to read:

5 **18-9-107. Obstructing highway or other passageway.** (3) An
6 offense under this section is a class 3 misdemeanor; EXCEPT THAT
7 KNOWINGLY OBSTRUCTING THE ENTRANCE INTO, OR EXIT FROM, A
8 FUNERAL OR FUNERAL SITE, OR KNOWINGLY OBSTRUCTING A HIGHWAY OR
9 OTHER PASSAGEWAY WHERE A FUNERAL PROCESSION IS TAKING PLACE IS
10 A CLASS 2 MISDEMEANOR.

11 **SECTION 5.** 18-9-108 (2), Colorado Revised Statutes, is
12 amended to read:

13 **18-9-108. Disrupting lawful assembly.** (2) Disrupting lawful
14 assembly is a class 3 misdemeanor; EXCEPT THAT, IF THE ACTOR KNOWS
15 THE MEETING, PROCESSION, OR GATHERING IS A FUNERAL, IT IS A CLASS 2
16 MISDEMEANOR.

17 **SECTION 6.** 18-9-117 (1) (c) and (3) (a), Colorado Revised
18 Statutes, are amended, and the said 18-9-117 (3) is further amended BY
19 THE ADDITION OF A NEW PARAGRAPH, to read:

20 **18-9-117. Unlawful conduct on public property.** (1) It is
21 unlawful for any person to enter or remain in any public building or on
22 any public property or to conduct himself or herself in or on the same in
23 violation of any order, rule, or regulation concerning any matter
24 prescribed in this subsection (1), limiting or prohibiting the use or
25 activities or conduct in such public building or on such public property,
26 issued by any officer or agency having the power of control, management,
27 or supervision of the building or property. In addition to any authority

1 granted by any other law, each such officer or agency may adopt such
2 orders, rules, or regulations as are reasonably necessary for the
3 administration, protection, and maintenance of such public buildings and
4 property, specifically, orders, rules, and regulations upon the following
5 matters:

6 (c) Prohibition of activities or conduct within public buildings or
7 on public property which may be reasonably expected to substantially
8 interfere with the use and enjoyment of such places by others or which
9 may constitute a general nuisance OR WHICH MAY INTERFERE WITH,
10 IMPAIR, OR DISRUPT A FUNERAL OR FUNERAL PROCESSION;

11 (3) (a) Except as otherwise provided in ~~paragraph (b)~~
12 PARAGRAPHS (b) AND (c) of this subsection (3), any person who violates
13 subsection (1) of this section is guilty of a class 3 misdemeanor.

14 (c) ANY PERSON WHO VIOLATES ANY ORDER, RULE, OR
15 REGULATION ADOPTED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1)
16 OF THIS SECTION CONCERNING FUNERALS OR FUNERAL PROCESSIONS IS
17 GUILTY OF A CLASS 2 MISDEMEANOR.

18 == == ==

19 **SECTION 7. Severability.** If any provision of this act or the
20 application thereof to any person or circumstance is held invalid, the
21 invalidity shall not affect other provisions or applications of this act
22 which can be given effect without the invalid provision or application,
23 and to this end the provisions of this act are severable.

24 **SECTION 8. Effective date - applicability.** This act shall
25 take effect upon passage and shall apply to offenses committed on or
26 after the effective date of this act.

27 **SECTION 9. Safety clause.** The general assembly hereby

- 1 finds, determines, and declares that this act is necessary for the
- 2 immediate preservation of the public peace, health, and safety.