



Colorado Legislative Council Staff
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 06-0993
Prime Sponsor(s): Rep. Merrifield
 Sen. Shaffer

Date: March 29, 2006
Bill Status: House Judiciary
Fiscal Analyst: Gary J. Estenson (303-866-4976)

TITLE: CONCERNING THE CREATION OF THE "RIGHT TO REST IN PEACE ACT".

Fiscal Impact Summary	FY 2006/2007	FY 2007/2008
State Revenues		
Cash Funds - Fine Collection Cash Fund	Less Than \$5,000 Annually	
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon passage, and shall apply to offenses committed on or after that date.		
Appropriation Summary for FY 2006/2007: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill creates the "Right to Rest in Peace Act." The act makes it unlawful for persons to picket within 500 feet of a funeral during a funeral and one hour before and after a funeral. A person who violates this provision is guilty of a Class 3 misdemeanor for a first offense and a Class 2 misdemeanor for second, and subsequent offenses. Additionally, a district court may assess punitive damages, attorney fees, and other appropriate relief against a person found guilty.

State Revenues

Per Section 18-1-501, C.R.S., the penalty for a Class 3 misdemeanor is six months imprisonment in a county jail, a fine of \$50 to \$750, or both. The penalty for a Class 2 misdemeanor is three to 12 months imprisonment in a county jail, a fine of \$1,000, or both. Fine revenue not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to state revenue cannot be determined. However, a minimal amount of fine revenue (< \$5,000 per year) is assumed under the bill.

Local Government Impact

The penalty for a Class 3 misdemeanor is six months imprisonment in a county jail, a fine of \$50 to \$750, or both. The penalty for a Class 2 misdemeanor is three to 12 months imprisonment in a county jail, a fine of \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$47.42 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Public Safety
Alternate Defense Council
District Attorneys

Local Affairs
Public Defender
Judicial