

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0513.02 Jerry Barry

**HOUSE BILL 01-1147**

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**HOUSE SPONSORSHIP**

**Williams S.**, Bacon, Boyd, Coleman, Daniel, Garcia, Groff, Grossman, Jahn, Jameson, Larson, Mace, Romanoff, Sanchez, Stengel, and Swenson

**SENATE SPONSORSHIP**

(None),

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING RESTRICTIONS AGAINST CERTAIN PICKETING IN A**  
102 **RESIDENTIAL AREA.**

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**Bill Summary**

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

Creates a class 3 misdemeanor crime for engaging in targeted residential picketing or for carrying in a residential area more than one sign or a sign larger than 2 feet by 3 feet. Before a violation can occur, requires a previous warning to have been issued.

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

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.*

1           **SECTION 1.** Part 1 of article 9 of title 18, Colorado Revised  
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

3           **18-9-108.5. Residential picketing - legislative declaration.**

4           (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

5                 (I) THE PROTECTION AND PRESERVATION OF THE HOME IS A  
6 COMPELLING STATE INTEREST;

7                 (II) RESIDENTS OF COLORADO ARE ENTITLED TO ENJOY A FEELING  
8 OF WELL-BEING, TRANQUILITY, AND PRIVACY IN THEIR HOMES AND  
9 DWELLINGS;

10                (III) THE PRACTICE OF TARGETED RESIDENTIAL PICKETING CAUSES  
11 EMOTIONAL DISTURBANCES AND DISTRESS TO THE OCCUPANTS AND HAS  
12 THE POTENTIAL TO INCITE BREACHES OF THE PEACE; AND

13                (IV) THE PRACTICE OF TARGETED RESIDENTIAL PICKETING DOES  
14 NOT SEEK TO DISSEMINATE A MESSAGE TO THE GENERAL PUBLIC, BUT  
15 INSTEAD SEEKS TO HARASS AND INTRUDE ON THE PRIVACY OF THE  
16 TARGETED RESIDENT.

17                (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT AMPLE  
18 ALTERNATIVE MEANS OF COMMUNICATION ARE AVAILABLE TO THOSE WHO  
19 WOULD CHOOSE TO ENGAGE IN PICKETING BEFORE A PERSON'S RESIDENCE.

20                (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
21 REQUIRES:

22                (a) "RESIDENCE" MEANS ANY SINGLE-FAMILY OR MULTI-FAMILY  
23 DWELLING UNIT THAT IS NOT BEING USED AS A TARGETED OCCUPANT'S SOLE  
24 PLACE OF BUSINESS OR AS A PLACE OF PUBLIC MEETING.

25                (b) "RESIDENTIAL AREA" MEANS AN AREA THAT CONSISTS  
26 PREDOMINANTLY OF RESIDENCES.

27                (c) "TARGETED PICKETING" MEANS PICKETING, WITH OR WITHOUT

1 SIGNS, THAT IS SPECIFICALLY DIRECTED TOWARDS A RESIDENCE, OR ONE OR  
2 MORE OCCUPANTS OF THE RESIDENCE, AND WHICH TAKES PLACE ON THAT  
3 PORTION OF A SIDEWALK OR STREET IN FRONT OF THE RESIDENCE, IN FRONT  
4 OF AN ADJOINING RESIDENCE, OR WHICH TAKES PLACE ON EITHER SIDE OF  
5 THE RESIDENCE.

6 (3) (a) (I) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE IN  
7 TARGETED PICKETING IN A RESIDENTIAL AREA, EXCEPT WHEN SUCH PERSON  
8 IS ENGAGING IN PICKETING WHILE MARCHING, WITHOUT STOPPING IN FRONT  
9 OF A RESIDENCE, OVER A ROUTE THAT PROCEEDS ALONG THE ENTIRE  
10 ONE-WAY LENGTH OF AT LEAST ONE BLOCK OF A STREET.

11 (II) FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),  
12 "ONE BLOCK OF A STREET" SHALL BE DEFINED AS SIX HUNDRED SIXTY  
13 LINEAR FEET, ONE-WAY, OF A STREET OR COMBINATION OF STREETS,  
14 INCLUDING THE ADJACENT SIDEWALKS, AND SHALL BE MEASURED BY  
15 REFERENCE TO THE CENTERLINE OF THE STREET OR STREETS ALONG THE  
16 ROUTE BEING MARCHED.

17 (b) IT SHALL BE UNLAWFUL FOR ANY PERSON TO HOLD, CARRY, OR  
18 OTHERWISE DISPLAY ON HIS OR HER PERSON A SIGN OR PLACARD WHILE ON  
19 A STREET OR SIDEWALK IN A RESIDENTIAL AREA THAT DOES NOT COMPLY  
20 WITH THE FOLLOWING RESTRICTIONS; EXCEPT THAT SUCH RESTRICTIONS  
21 SHALL NOT APPLY TO A PERSON CARRYING A SIGN OR PLACARD  
22 TEMPORARILY WHILE TRANSPORTING A SIGN OR PLACARD FROM SUCH  
23 PERSON'S RESIDENCE OR BUSINESS TO A VEHICLE:

24 (I) ALL SIGNS OR PLACARDS MUST BE NO GREATER IN WIDTH THAN  
25 TWO FEET AND NO LARGER IN TOTAL SIZE THAN THREE SQUARE FEET.

26 (II) EACH PERSON MAY CARRY, HOLD, OR OTHERWISE DISPLAY NO  
27 MORE THAN ONE SIGN OR PLACARD.

1           (4) IT SHALL NOT BE A VIOLATION OF SUBSECTION (3) OF THIS  
2 SECTION UNLESS THE PERSON HAS PREVIOUSLY BEEN ORDERED BY A PEACE  
3 OFFICER OR OTHER LAW ENFORCEMENT OFFICIAL TO MOVE, DISPERSE, OR  
4 TAKE OTHER APPROPRIATE ACTION TO COMPLY WITH THIS SECTION, AND  
5 SUCH PERSON HAS FAILED TO PROMPTLY COMPLY WITH THE WARNING. IN  
6 ORDER TO ASSURE THAT APPROPRIATE WARNING HAS BEEN GIVEN, THE  
7 LOCAL LAW ENFORCEMENT OFFICE SHALL MAINTAIN A WRITTEN RECORD  
8 INDICATING THE NAME OF EACH WARNED INDIVIDUAL, THE ADDRESS OR  
9 ADDRESSES OF THE TARGETED RESIDENCE OR RESIDENCES, AND THE DATE  
10 AND TIME OF THE WARNINGS.

11           (5) ANY PERSON WHO VIOLATES SUBSECTION (3) OF THIS SECTION  
12 COMMITS A CLASS 3 MISDEMEANOR.

13           **SECTION 2. Effective date - applicability.** This act shall take  
14 effect July 1, 2001, and shall apply to offenses committed on or after said  
15 date.

16           **SECTION 3. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.