

## CHAPTER 262

---

**CRIMINAL LAW AND PROCEDURE**

---

**HOUSE BILL 06-1382**

BY REPRESENTATIVE(S) 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, Vigil, Berens, Borodkin, Crane, Curry, Gardner, Hoppe, Kerr J., McCluskey, Witwer, Buescher, and Garcia;  
also SENATOR(S) Shaffer, Jones, Boyd, Brophy, Dyer, Entz, Evans, Grossman, Isgar, Kester, Lamborn, May R., Mitchell, Owen, Tapia, Taylor, Teck, Tochtrop, Wiens, and Williams.

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

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

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

(2) The general assembly finds and declares that:

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

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

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

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

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

disorderly conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**18-9-117. Unlawful conduct on public property.** (1) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection (1), limiting or prohibiting the use or activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of such public buildings and property, specifically, orders, rules, and regulations upon the following matters:

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

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

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

**SECTION 7.** Part 1 of article 9 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-9-125. Interference with a funeral.** (1) A PERSON COMMITS INTERFERENCE WITH A FUNERAL IF HE OR SHE, KNOWING A FUNERAL IS BEING CONDUCTED:

(a) REFUSES TO LEAVE ANY PRIVATE PROPERTY WITHIN ONE HUNDRED FEET OF THE FUNERAL SITE UPON THE REQUEST OF THE OWNER OF THE PRIVATE PROPERTY OR THE OWNER'S AGENT; OR

(b) REFUSES TO LEAVE ANY PUBLIC PROPERTY WITHIN ONE HUNDRED FEET OF THE FUNERAL SITE UPON THE REQUEST OF A PUBLIC OFFICIAL WITH AUTHORITY OVER THE PROPERTY OR UPON THE REQUEST OF A PEACE OFFICER, AND THE PUBLIC OFFICIAL OR PEACE OFFICER MAKING THE REQUEST HAS REASONABLE GROUNDS TO BELIEVE THE PERSON HAS VIOLATED A RULE OR REGULATION APPLICABLE TO THAT PROPERTY OR

A STATUTE OR LOCAL ORDINANCE.

(2) INTERFERENCE WITH A FUNERAL IS A CLASS 2 MISDEMEANOR. THE MINIMUM FINE PRESCRIBED BY SECTION 18-1.3-501 (1) FOR THE OFFENSE SHALL BE MANDATORY AND MAY NOT BE SUSPENDED IN WHOLE IN OR IN PART.

(3) EACH VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE FOR WHICH AN OFFENDER MAY BE SEPARATELY CONVICTED AND SENTENCED.

(4) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION MAY ALSO BE PROCEEDED AGAINST FOR VIOLATION OF ANY OTHER PROVISION OF LAW.

**SECTION 8.** Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-21-125. Funeral picketing - legislative declaration - definitions - damages.**

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) ONE OF THE FUNDAMENTAL REASONS WE HUMANS ORGANIZE OURSELVES INTO SOCIETIES IS TO RITUALLY ASSIST IN AND RECOGNIZE THE GRIEVING PROCESS;

(b) FUNERAL PICKETING DISRUPTS THAT FUNDAMENTAL GRIEVING PROCESS;

(c) FUNERAL PICKETING INTENTIONALLY INFLICTS SEVERE EMOTIONAL DISTRESS ON THE MOURNERS; AND

(d) FULL OPPORTUNITY EXISTS UNDER THE TERMS AND PROVISIONS OF THIS SECTION FOR THE EXERCISE OF FREEDOM OF SPEECH AND OTHER CONSTITUTIONAL RIGHTS OTHER THAN AT AND DURING THE FUNERAL.

(2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES IT IS NECESSARY TO ENACT THIS SECTION IN ORDER TO:

(a) PROTECT THE PRIVACY OF THE MOURNERS DURING THE FUNERAL; AND

(b) PRESERVE A FUNERAL-SITE ATMOSPHERE THAT ENHANCES THE GRIEVING PROCESS.

(3) AS USED IN THIS SECTION:

(a) "FUNERAL" MEANS THE CEREMONIES, RITUALS, PROCESSIONS, AND MEMORIAL SERVICES HELD IN CONNECTION WITH THE BURIAL, CREMATION, OR MEMORIAL OF A DECEASED PERSON, INCLUDING THE ASSEMBLY AND DISPERSAL OF THE MOURNERS.

(b) "FUNERAL PICKETING" MEANS A PUBLIC DEMONSTRATION AT A FUNERAL SITE DURING THE FUNERAL THAT IS REASONABLY CALCULATED TO INFLICT SEVERE EMOTIONAL DISTRESS ON THE MOURNERS.

(c) "FUNERAL SITE" MEANS A CHURCH, SYNAGOGUE, MOSQUE, FUNERAL HOME, MORTUARY, GRAVESITE, MAUSOLEUM, OR OTHER PLACE WHERE A FUNERAL IS BEING

CONDUCTED.

(d) "MOURNER" MEANS A MEMBER OF THE DECEDENT'S IMMEDIATE FAMILY AT THE FUNERAL.

(4) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY ENGAGE IN FUNERAL PICKETING WITHIN ONE HUNDRED FEET OF THE FUNERAL SITE OR TO ENGAGE IN ELECTRONICALLY AMPLIFIED FUNERAL PICKETING WITHIN ONE HUNDRED FIFTY FEET OF THE FUNERAL SITE.

(5)(a) EACH MOURNER SHALL BE ENTITLED TO RECOVER REASONABLE DAMAGES, BUT NOT LESS THAN ONE THOUSAND DOLLARS, TOGETHER WITH REASONABLE ATTORNEY FEES AND COSTS FROM EACH PERSON WHO VIOLATES SUBSECTION (4) OF THIS SECTION.

(b) THE COURT SHALL IMPOSE JOINT AND SEVERAL LIABILITY ON ANY PERSON WHO:

(I) VIOLATES SUBSECTION (4) OF THIS SECTION BY ACTING IN CONCERT WITH ONE OR MORE OTHER PERSONS; OR

(II) CONSCIOUSLY CONSPIRES WITH ONE OR MORE OTHER PERSONS AND DELIBERATELY PURSUES A COMMON PLAN OR DESIGN TO COMMIT A VIOLATION OF SUBSECTION (4) OF THIS SECTION.

**SECTION 9. Severability.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

**SECTION 10. Effective date - applicability.** This act shall take effect upon passage and shall apply to offenses committed on or after the effective date of this act.

**SECTION 11. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2006