

FEB 14 2006
Place On Calendar

HOUSE FILE 2365
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 2132)

Passed House, Date 2-22-06 Passed Senate, Date _____
Vote: Ayes 98 Nays 0 Vote: Ayes _____ Nays _____
Approved April 17, 2006

A BILL FOR

1 An Act relating to committing disorderly conduct near a military
2 funeral, memorial service, funeral procession, or burial, and
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2365

H-8022

- 1 Amend House File 2365 as follows:
2 1. Page 1, line 2, by striking the word
3 "MILITARY".
4 2. Page 1, line 5, by striking the word
5 "military".
6 3. Page 1, line 6, by striking the words "three
7 hundred feet of a military" and inserting the
8 following: "five hundred feet of a".
9 4. Page 1, line 19, by striking the word
10 "military".
11 5. Title page, line 1, by striking the word
12 "military".

By WATTS of Dallas
JENKINS of Black Hawk

H-8022 FILED FEBRUARY 14, 2006

HF 2365

TLSB 5529HV 81

jm/sh/8

1 Section 1. NEW SECTION. 723.5 DISORDERLY CONDUCT --
2 MILITARY FUNERAL OR MEMORIAL SERVICE.

3 1. A person shall not do any of the following within three
4 hundred feet of the building or other location where a
5 military funeral or memorial service is being conducted, or
6 within three hundred feet of a military funeral procession or
7 burial:

8 a. Make loud and raucous noise which causes unreasonable
9 distress to the persons attending the funeral or memorial
10 service, or participating in the funeral procession.

11 b. Direct abusive epithets or make any threatening gesture
12 which the person knows or reasonably should know is likely to
13 provoke a violent reaction by another.

14 c. Disturb or disrupt the funeral, memorial service,
15 funeral procession, or burial by conduct intended to disturb
16 or disrupt the funeral, memorial service, funeral procession,
17 or burial.

18 2. This section applies to conduct within thirty minutes
19 preceding, during, and within thirty minutes after a military
20 funeral, memorial service, funeral procession, or burial.

21 3. A person who commits a violation of this section
22 commits:

23 a. A simple misdemeanor for a first offense.

24 b. A serious misdemeanor for a second offense.

25 c. A class "D" felony for a third or subsequent offense.

26 EXPLANATION

27 This bill relates to committing disorderly conduct near a
28 military funeral, memorial service, funeral procession, or
29 burial.

30 The bill prohibits a person from making loud and raucous
31 noise, directing abusive epithets or making threatening
32 gestures, or disturbing or disrupting a military funeral,
33 memorial service, funeral procession, or burial.

34 The bill applies to conduct within 30 minutes preceding,
35 during, and 30 minutes after a military funeral, memorial

1 service, funeral procession, or burial.

2 Under the bill, a person commits a simple misdemeanor for a
3 first offense, a serious misdemeanor for a second offense, and
4 a class "D" felony for a third or subsequent offense.

5 A simple misdemeanor is punishable by confinement for no
6 more than 30 days or a fine of at least \$50 but not more than
7 \$500 or by both. A serious misdemeanor is punishable by
8 confinement for no more than one year and a fine of at least
9 \$250 but not more than \$1,500. A class "D" felony is
10 punishable by confinement for no more than five years and a
11 fine of at least \$750 but not more than \$7,500.

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HOUSE FILE 2365

H-8054

1 Amend the amendment, H-8022, to House File 2365 as
2 follows:

3 1. Page 1, by inserting after line 8 the
4 following:

5 "____". Page 1, line 18, by striking the word
6 "thirty" and inserting the following: "sixty".

7 "____". Page 1, line 19, by striking the word
8 "thirty" and inserting the following: "sixty".

By JENKINS of Black Hawk
WATTS of Dallas

H-8054 FILED FEBRUARY 22, 2006
ADOPTED

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2365 - Memorial Services Buffer, Penalty (LSB 5529 HV)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version - New
Requested by Representative Dave Tjepkes

Description

House File 2365 creates a new Section to the Code of Iowa, Chapter 723, Public Disorder. The Bill makes it a crime to engage in disruptive behavior within 300 feet of a military funeral, memorial service, procession or burial, or to engage in disruptive behavior 30 minutes before or after one of these events. The penalties escalate based on the number of violations.

Assumptions

1. In FY 2005, there were 28 simple misdemeanor convictions for unlawful assembly or failure to disperse.
2. The cost for a first offense (simple misdemeanor) ranges from \$15 (court costs) to \$270 (court costs plus indigent defense costs). The cost for a second offense (serious misdemeanor) ranges from \$105 (court costs) to \$4,000 (court costs, jury trial, indigent defense, and prison). The cost of a third or subsequent offense (Class D felony) ranges from \$3,100 (court costs, probation, and indigent defense) to \$12,100 (court costs, jury trial, indigent defense, prison, and parole).

Fiscal Impact

It is unknown how many offenders would be charged under this Bill. However, the fiscal impact is anticipated to be minimal.

Correctional Impact

It is unknown how many offenders may be convicted of a second offense (Serious Misdemeanor) or third offense (Class D felony). The correctional impact is not anticipated to be significant as most offenders would be charged with a simple misdemeanor.

Sources

Department of Human Rights, Criminal Juvenile Justice Planning Division (CJJPD)
Judicial Branch
Indigent Defense

/s/ Holly M. Lyons

February 15, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2365
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HF 2132)

(As Amended and Passed by the House February 22, 2006)

Re- Passed House, Date 4-4-06 Passed Senate, Date 3-7-06
Vote: Ayes 99 Nays 0 Vote: Ayes 50 Nays 0
Approved _____

A BILL FOR

* 1 An Act relating to committing disorderly conduct near a funeral,
2 memorial service, funeral procession, or burial, and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Deleted Language *

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House Amendments _____

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SENATE AMENDMENT TO
HOUSE FILE 2365

H-8137

1 Amend House File 2365, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 3, by striking the word "three"
4 and inserting the following: "five".

5 2. Page 1, by inserting after line 24 the
6 following:

7 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
8 of immediate importance, takes effect upon enactment."

9 3. Title page, lines 2 and 3, by striking the
10 words "and providing penalties" and inserting the
11 following: "providing penalties, and providing an
12 effective date".

13 4. By renumbering, relettering, or redesignating
14 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8137 FILED MARCH 7, 2006

1 Section 1. NEW SECTION. 723.5 DISORDERLY CONDUCT --
* 2 FUNERAL OR MEMORIAL SERVICE.

3 1. A person shall not do any of the following within three
* 4 hundred feet of the building or other location where a funeral
5 or memorial service is being conducted, or within five hundred
6 feet of a funeral procession or burial:

7 a. Make loud and raucous noise which causes unreasonable
8 distress to the persons attending the funeral or memorial
9 service, or participating in the funeral procession.

10 b. Direct abusive epithets or make any threatening gesture
11 which the person knows or reasonably should know is likely to
12 provoke a violent reaction by another.

13 c. Disturb or disrupt the funeral, memorial service,
14 funeral procession, or burial by conduct intended to disturb
15 or disrupt the funeral, memorial service, funeral procession,
16 or burial.

17 2. This section applies to conduct within sixty minutes
* 18 preceding, during, and within sixty minutes after a funeral,
19 memorial service, funeral procession, or burial.

20 3. A person who commits a violation of this section
21 commits:

22 a. A simple misdemeanor for a first offense.

23 b. A serious misdemeanor for a second offense.

24 c. A class "D" felony for a third or subsequent offense.

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HOUSE FILE 2365

S-5020

1 Amend House File 2365, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 3, by striking the word "three"
4 and inserting the following: "five".

By STEVEN H. WARNSTADT

S-5020 FILED MARCH 6, 2006

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HOUSE FILE 2365

AN ACT

RELATING TO COMMITTING DISORDERLY CONDUCT NEAR A FUNERAL,
MEMORIAL SERVICE, FUNERAL PROCESSION, OR BURIAL,
PROVIDING PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 723.5 DISORDERLY CONDUCT --
FUNERAL OR MEMORIAL SERVICE.

1. A person shall not do any of the following within five hundred feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred feet of a funeral procession or burial:

a. Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.

b. Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

c. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

2. This section applies to conduct within sixty minutes preceding, during, and within sixty minutes after a funeral, memorial service, funeral procession, or burial.

3. A person who commits a violation of this section commits:

- a. A simple misdemeanor for a first offense.
- b. A serious misdemeanor for a second offense.

c. A class "D" felony for a third or subsequent offense.
Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2365, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor