

JAN 25 2006
VETERANS AFFAIRS

HOUSE FILE 2132

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HUSER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HF-2132

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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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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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2132 - Memorial Services Buffer, Penalty (LSB 5529 YH)

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Fiscal Note Version - New

Requested by Representative Dave Tjepkes

Description

House File 2132 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 9, 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.
