

HOUSE BILL REPORT

SSB 5800

As Reported By House Committee On:
Judiciary

Title: An act relating to violation of human remains.

Brief Description: Increasing the penalty for violating human remains.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith and Winsley).

Brief History:

Reported by House Committee on:
Judiciary, March 30, 1993, DPA.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: Current statutes provide criminal penalties if a person mutilates, disinters, or removes human remains from the place of interment without authority of law. The punishment is not more than three years in prison, or a fine of not more than \$1,000, or both.

Prior law had made it the equivalent of a class B felony to have sexual intercourse with a dead body. That law, however, was repealed in 1975 along with most of the so-called sodomy laws.

Summary of Amended Bill: Sexual intercourse or sexual contact with a dead human body is made a class C felony. The crime carries a maximum penalty of five years in prison and a \$10,000 fine. The presumptive sentence is up to a year in jail.

Amended Bill Compared to Substitute Bill: The amended bill places the crime in the criminal code, uses definitions

similar to those used in describing other sex offenses, and leaves the crime as an unranked class C felony.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Although this offense is rare, it should be covered by a specific prohibition. There currently is no appropriate crime with which to charge a person who sexually violates human remains.

Testimony Against: None.

Witnesses: Matt Thomas, Washington Association of Prosecuting Attorneys (pro); and James Noel, Washington Funeral Directors Association (pro).