

**SENATE BILL REPORT**

**SSB 5800**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, JANUARY 26, 1994**

**Brief Description:** Increasing the penalty for violating human remains.

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

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Second Substitute Senate Bill No. 5800 be substituted therefor, and the second substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** February 19, 1993; January 26, 1994

**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.

It has been suggested that the statute should be amended to also prohibit sexual contact with a deceased person and to establish a seriousness level for purposes of determining a standard sentence range under the Sentencing Reform Act.

**SUMMARY:**

A person is guilty of violating human remains if the person has sexual contact with any human remains. "Sexual contact" means any touching of a deceased person done for the purpose of gratifying the sexual desire of the defendant.

Violating human remains is a class C felony. For purposes of the Sentencing Reform Act, it is classified at seriousness level V.

**EFFECT OF PROPOSED SECOND SUBSTITUTE:**

A person who has sexual contact or sexual intercourse with a dead human body is guilty of a class C felony. The crime is added to the criminal code.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Current law does not prohibit this type of conduct. The bill remedies that omission in our laws.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Seth Dawson, Snohomish County Prosecuting Office (pro)