

SENATE BILL REPORT

SB 5800

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 19, 1993

Brief Description: Increasing the penalty for violating human remains.

SPONSORS: Senators Nelson, A. Smith and Winsley

SENATE COMMITTEE ON LAW & JUSTICE

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

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 19, 1993

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 the sexual or other intimate parts 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 SUBSTITUTE:

The definition of "sexual contact" is amended to any touching of a deceased person done to gratify the sexual desire of the defendant.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Current law does not cover this type of conduct. This bill would remedy that omission in our laws.

TESTIMONY AGAINST: None

TESTIFIED: PRO: David Daly, Washington State Funeral Directors Assn.; Matt Thomas, WAPA