

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5800

53rd Legislature
1994 Regular Session

Passed by the Senate February 8, 1994
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 3, 1994
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5800** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5800

Passed Legislature - 1994 Regular Session

State of Washington

53rd Legislature

1994 Regular Session

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

Read first time 01/27/94.

1 AN ACT Relating to violation of human remains; reenacting and
2 amending RCW 9.94A.320; adding a new section to chapter 9A.44 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.44 RCW
6 to read as follows:

7 (1) Any person who has sexual intercourse or sexual contact with a
8 dead human body is guilty of a class C felony.

9 (2) As used in this section:

10 (a) "Sexual intercourse" (i) has its ordinary meaning and occurs
11 upon any penetration, however slight; and (ii) also means any
12 penetration of the vagina or anus however slight, by an object, when
13 committed on a dead human body, except when such penetration is
14 accomplished as part of a procedure authorized or required under
15 chapter 68.50 RCW or other law; and (iii) also means any act of sexual
16 contact between the sex organs of a person and the mouth or anus of a
17 dead human body.

1 (b) "Sexual contact" means any touching by a person of the sexual
2 or other intimate parts of a dead human body done for the purpose of
3 gratifying the sexual desire of the person.

4 **Sec. 2.** RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are
5 each reenacted and amended to read as follows:

6 TABLE 2

7 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

8	XV	Aggravated Murder 1 (RCW 10.95.020)
9	XIV	Murder 1 (RCW 9A.32.030)
10		Homicide by abuse (RCW 9A.32.055)
11	XIII	Murder 2 (RCW 9A.32.050)
12	XII	Assault 1 (RCW 9A.36.011)
13		Assault of a Child 1 (RCW 9A.36.120)
14	XI	Rape 1 (RCW 9A.44.040)
15		Rape of a Child 1 (RCW 9A.44.073)
16	X	Kidnapping 1 (RCW 9A.40.020)
17		Rape 2 (RCW 9A.44.050)
18		Rape of a Child 2 (RCW 9A.44.076)
19		Child Molestation 1 (RCW 9A.44.083)
20		Damaging building, etc., by explosion with
21		threat to human being (RCW
22		70.74.280(1))
23		Over 18 and deliver heroin or narcotic
24		from Schedule I or II to someone
25		under 18 (RCW 69.50.406)
26		Leading Organized Crime (RCW
27		9A.82.060(1)(a))
28	IX	Assault of a Child 2 (RCW 9A.36.130)
29		Robbery 1 (RCW 9A.56.200)
30		Manslaughter 1 (RCW 9A.32.060)
31		Explosive devices prohibited (RCW
32		70.74.180)

1 Indecent Liberties (with forcible
2 compulsion) (RCW 9A.44.100(1)(a))
3 Endangering life and property by
4 explosives with threat to human being
5 (RCW 70.74.270)
6 Over 18 and deliver narcotic from Schedule
7 III, IV, or V or a nonnarcotic from
8 Schedule I-V to someone under 18 and
9 3 years junior (RCW 69.50.406)
10 Controlled Substance Homicide (RCW
11 69.50.415)
12 Sexual Exploitation (RCW 9.68A.040)
13 Inciting Criminal Profiteering (RCW
14 9A.82.060(1)(b))

15 VIII Arson 1 (RCW 9A.48.020)
16 Promoting Prostitution 1 (RCW 9A.88.070)
17 Selling for profit (controlled or
18 counterfeit) any controlled substance
19 (RCW 69.50.410)
20 Manufacture, deliver, or possess with
21 intent to deliver heroin or cocaine
22 (RCW 69.50.401(a)(1)(i))
23 Manufacture, deliver, or possess with
24 intent to deliver methamphetamine
25 (RCW 69.50.401(a)(1)(ii))
26 Vehicular Homicide, by being under the
27 influence of intoxicating liquor or
28 any drug or by the operation of any
29 vehicle in a reckless manner (RCW
30 46.61.520)

31 VII Burglary 1 (RCW 9A.52.020)
32 Vehicular Homicide, by disregard for the
33 safety of others (RCW 46.61.520)
34 Introducing Contraband 1 (RCW 9A.76.140)
35 Indecent Liberties (without forcible
36 compulsion) (RCW 9A.44.100(1) (b) and
37 (c))
38 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Sending, bringing into state depictions of
5 minor engaged in sexually explicit
6 conduct (RCW 9.68A.060)
7 Involving a minor in drug dealing (RCW
8 69.50.401(f))

9 VI Bribery (RCW 9A.68.010)
10 Manslaughter 2 (RCW 9A.32.070)
11 Rape of a Child 3 (RCW 9A.44.079)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Damaging building, etc., by explosion with
15 no threat to human being (RCW
16 70.74.280(2))
17 Endangering life and property by
18 explosives with no threat to human
19 being (RCW 70.74.270)
20 Incest 1 (RCW 9A.64.020(1))
21 Manufacture, deliver, or possess with
22 intent to deliver narcotics from
23 Schedule I or II (except heroin or
24 cocaine) (RCW 69.50.401(a)(1)(i))
25 Intimidating a Judge (RCW 9A.72.160)
26 Bail Jumping with Murder 1 (RCW
27 9A.76.170(2)(a))

28 V Criminal Mistreatment 1 (RCW 9A.42.020)
29 Rape 3 (RCW 9A.44.060)
30 Sexual Misconduct with a Minor 1 (RCW
31 9A.44.093)
32 Child Molestation 3 (RCW 9A.44.089)
33 Kidnapping 2 (RCW 9A.40.030)
34 Extortion 1 (RCW 9A.56.120)
35 Incest 2 (RCW 9A.64.020(2))
36 Perjury 1 (RCW 9A.72.020)
37 Extortionate Extension of Credit (RCW
38 9A.82.020)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Extortionate Means to Collect Extensions
5 of Credit (RCW 9A.82.040)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))
10 Sexually Violating Human Remains (section
11 1 of this act)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))

15 IV Residential Burglary (RCW 9A.52.025)
16 Theft of Livestock 1 (RCW 9A.56.080)
17 Robbery 2 (RCW 9A.56.210)
18 Assault 2 (RCW 9A.36.021)
19 Escape 1 (RCW 9A.76.110)
20 Arson 2 (RCW 9A.48.030)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090, 9A.72.100)
23 Malicious Harassment (RCW 9A.36.080)
24 Threats to Bomb (RCW 9.61.160)
25 Willful Failure to Return from Furlough
26 (RCW 72.66.060)
27 Hit and Run « Injury Accident (RCW
28 46.52.020(4))
29 Vehicular Assault (RCW 46.61.522)
30 Manufacture, deliver, or possess with
31 intent to deliver narcotics from
32 Schedule III, IV, or V or
33 nonnarcotics from Schedule I-V
34 (except marijuana or
35 methamphetamines) (RCW
36 69.50.401(a)(1)(ii) through (iv))
37 Influencing Outcome of Sporting Event (RCW
38 9A.82.070)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Knowingly Trafficking in Stolen Property
4 (RCW 9A.82.050(2))
5 III Criminal mistreatment 2 (RCW 9A.42.030)
6 Extortion 2 (RCW 9A.56.130)
7 Unlawful Imprisonment (RCW 9A.40.040)
8 Assault 3 (RCW 9A.36.031)
9 Assault of a Child 3 (RCW 9A.36.140)
10 Custodial Assault (RCW 9A.36.100)
11 Unlawful possession of firearm or pistol by felon (RCW
12 9.41.040)
13 Harassment (RCW 9A.46.020)
14 Promoting Prostitution 2 (RCW 9A.88.080)
15 Willful Failure to Return from Work
16 Release (RCW 72.65.070)
17 Burglary 2 (RCW 9A.52.030)
18 Introducing Contraband 2 (RCW 9A.76.150)
19 Communication with a Minor for Immoral
20 Purposes (RCW 9.68A.090)
21 Patronizing a Juvenile Prostitute (RCW
22 9.68A.100)
23 Escape 2 (RCW 9A.76.120)
24 Perjury 2 (RCW 9A.72.030)
25 Bail Jumping with class B or C Felony (RCW
26 9A.76.170(2)(c))
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Tampering with a Witness (RCW 9A.72.120)
30 Manufacture, deliver, or possess with
31 intent to deliver marijuana (RCW
32 69.50.401(a)(1)(ii))
33 Delivery of a material in lieu of a
34 controlled substance (RCW
35 69.50.401(c))
36 Manufacture, distribute, or possess with
37 intent to distribute an imitation
38 controlled substance (RCW
39 69.52.030(1))

1 Recklessly Trafficking in Stolen Property
2 (RCW 9A.82.050(1))
3 Theft of livestock 2 (RCW 9A.56.080)
4 Securities Act violation (RCW 21.20.400)

5 II Malicious Mischief 1 (RCW 9A.48.070)
6 Possession of Stolen Property 1 (RCW
7 9A.56.150)
8 Theft 1 (RCW 9A.56.030)
9 Possession of controlled substance that is
10 either heroin or narcotics from
11 Schedule I or II (RCW 69.50.401(d))
12 Possession of phencyclidine (PCP) (RCW
13 69.50.401(d))
14 Create, deliver, or possess a counterfeit
15 controlled substance (RCW
16 69.50.401(b))
17 Computer Trespass 1 (RCW 9A.52.110)
18 Reckless Endangerment 1 (RCW 9A.36.045)
19 Escape from Community Custody (RCW
20 72.09.310)

21 I Theft 2 (RCW 9A.56.040)
22 Possession of Stolen Property 2 (RCW
23 9A.56.160)
24 Forgery (RCW 9A.60.020)
25 Taking Motor Vehicle Without Permission
26 (RCW 9A.56.070)
27 Vehicle Prowl 1 (RCW 9A.52.095)
28 Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 Malicious Mischief 2 (RCW 9A.48.080)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Unlawful Issuance of Checks or Drafts (RCW
33 9A.56.060)
34 Unlawful Use of Food Stamps (RCW 9.91.140
35 (2) and (3))
36 False Verification for Welfare (RCW
37 74.08.055)
38 Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)
3 Possess Controlled Substance that is a
4 Narcotic from Schedule III, IV, or V
5 or Non-narcotic from Schedule I-V
6 (except phencyclidine) (RCW
7 69.50.401(d))

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