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## Public Safety Committee

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### HB 2025

**Brief Description:** Prohibiting the sale and commercial display of human remains.

**Sponsors:** Representative Appleton.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Makes it a class C felony offense to sell or commercially display human remains.</li></ul>
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**Hearing Date:** 2/17/15

**Staff:** Yvonne Walker (786-7841).

#### **Background:**

Disposition of Human Remains. The disposition of human remains in any place other than a cemetery or a building dedicated exclusively for religious purposes is punishable as a misdemeanor offense. However, upon prior approval of the property owner or entity in charge, the disposition of cremated human remains may occur on private property or on public or government land and waters.

Selling and Purchasing Human Remains. It is a class C felony offense for a person to:

- remove human remains from a grave, vault, or other burial place, without authority of law, with intent to sell, for the purpose of securing a reward for its return, for dissection, or for malice or wantonness;
- purchase or receive, except for burial or cremation, human remains, knowing that the remains have been illegally removed from a grave, vault, or other burial place;
- open a grave, place of interment, or a building where human remains are placed, with intent to sell or remove the casket, urn, or of any other article interred, or intended to be interred with the human remains; and
- remove, disinter, or mutilate human remains from a place of interment, without authority of law.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person who arrests, attaches, detains, or claims to detain human remains for any debt or demand or on a pretended lien or charge is guilty of a gross misdemeanor. It is also a gross misdemeanor for any person, not authorized by the coroner, to remove or conceal an unclaimed deceased person, a person who came to their death by reason of violence or unnatural causes, or when there are reasonable grounds to believe that the death was caused by unlawful means at the hands of another person.

Disturbing Human Remains. It is the duty of every person who knows of the existence and location of skeletal human remains to notify the coroner and local law enforcement in the most expeditious manner possible, unless such person has good reason to believe that such notice has already been given. Any person who fails to give notice to the coroner and local law enforcement is guilty of a misdemeanor offense.

"Human remains" means the body of a deceased person which includes the body in any stage of decomposition, and includes cremated human remains. "Cremated human remains" means the end products of cremation or the reduction of human remains to bone fragments in a crematory by means of incineration.

A misdemeanor offense is punishable by a sentence of up to 90 days in jail, or a maximum fine of \$1,000, or both imprisonment and a fine. The maximum sentence for an unranked felony offense is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

**Summary of Bill:**

The Legislature finds the sale or commercial display of human remains to be offensive to community standards of decency. It is not the intent of the Legislature to prevent legitimate medical or educational endeavors and it believes the respectful treatment and disposal of human remains is compatible with those aims. The Legislature intends to prohibit the sale for profit of human remains and any commercial display for advertising or other benefit.

The selling or commercially display of human remains is an unranked class C felony offense.

Nothing prohibits the possession of human remains by authorized search and rescue personnel for the purpose of training human remains detection canines. "Authorized search and rescue personnel" means personnel registered as emergency workers with their county's department of emergency management who deploy at the direction of law enforcement agencies.

**Appropriation:** None.

**Fiscal Note:** Requested on February 11, 2015.

**Effective Date:** The bill takes effect on September 1, 2015.