

HOUSE BILL REPORT

HB 2025

As Reported by House Committee On:
Public Safety

Title: An act relating to the sale and commercial display of human remains.

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

Sponsors: Representative Appleton.

Brief History:

Committee Activity:

Public Safety: 2/17/15, 2/20/15 [DPS].

Brief Summary of Substitute Bill

- Makes it a class C felony offense to sell or display human remains for commercial purposes.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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, public or government land, and waters.

Selling and Purchasing Human Remains.

It is a class C felony offense for a person to:

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- 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.

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 Substitute Bill:

The sale or display of human remains exclusively for commercial purposes is offensive to community standards of decency. The Legislature does not intend to prevent legitimate medical, search and rescue training, educational endeavors, or the use of images in movies, television, or theaters and it believes the respectful treatment and disposal of human remains is compatible with those aims. The Legislature does intend to prohibit the sale for profit of human remains and any commercial display for advertising or other benefit.

It is an unranked class C felony offense to sell or display human remains exclusively for commercial purposes.

Nothing prohibits the sale, display, or possession of human remains for legitimate medical studies, authorized search and rescue training, displays by a museum, educational endeavors, or for uses by the motion picture industry for purposes of displaying images in movies, television, or theaters. "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.

Substitute Bill Compared to Original Bill:

The offense of selling or displaying human remains is limited to those that do it exclusively for commercial purposes. Those selling or displaying human remains for legitimate medical studies, search and rescue training, by a museum, educational endeavors, or uses by the motion picture industry for purposes of displaying images in movies, television, or theaters, are exempt from prosecution.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on September 1, 2015.

Staff Summary of Public Testimony:

(In support) People have been buying, collecting, displaying, and selling body parts on the Internet, particularly on Craigslist.com. Body parts have even been found in donation buckets to the Goodwill. There are people who have found bones in their yard and have consequently destroyed their yard because they did not want to notify archeology.

This has become a problem because there is a national database for missing persons and currently it has over 48,000 people who are missing. The remains of these people may be in someone's garage. This not only hinders law enforcement investigations but also closure for families.

Cadaver dogs are trained to track human remains. These highly trained dogs have travelled as far as Texas with their trainers to "body farms" so that they learn to detect body fluids and body parts in various decomposition phases. In addition, law enforcement often use these dogs for investigations. This bill will allow trainers to continue to collect various body parts from healthcare facilities to help train their dogs in search and rescue efforts. This bill is not giving permission to anyone with a dog who has an interest to possess human remains, it is only giving permission to those volunteers who are trained, registered, licensed, and accountable.

It is the intent to amend the bill to exempt museums, search and rescue teams, movie and television companies, and live theaters that use or display human remains.

(Opposed) None.

Persons Testifying: Representative Appleton, prime sponsor; Greg Sandstrom, Kitsap County Coroner and Washington Association of Coroners; Rachel Yella, All Breed Canine Search and Rescue - Kitsap County; and Heather Cutting, King County Search Dogs.

Persons Signed In To Testify But Not Testifying: None.