

# HOUSE BILL REPORT

## SSB 6261

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### As Passed House - Amended:

March 4, 2016

**Title:** An act relating to human remains.

**Brief Description:** Concerning human remains.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen and Miloscia).

### Brief History:

#### Committee Activity:

Public Safety: 2/23/16, 2/24/16 [DPA].

#### Floor Activity:

Passed House - Amended: 3/4/16, 97-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Adds a medical examiner as an additional person (in addition to the coroner) that an individual can notify when he or she knows of the existence and location of human remains.
- Replaces the term "dead body" with "human remains" thus making it illegal to move or conceal human remains.
- Adds the element of "knowingly" to the current crime of moving or concealing human remains.

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## HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass as amended. 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:

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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.*

It is the duty of every person who knows of the existence and location of a dead body to notify the coroner 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 is guilty of a misdemeanor offense.

A person is guilty of a gross misdemeanor offense if, not authorized by the coroner, the person moves or conceals or aids in the removal or concealment of the body of a deceased person:

- not claimed by a relative or friend;
- who came to their death by reason of violence or unnatural causes; or
- where there exists reasonable grounds that the death of the person was caused by unlawful means at the hands of another.

This offense is punishable by a fine of not more than \$1,000, imprisonment of up to 364 days in jail, or both imprisonment and a fine.

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. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

"Human remains" means the body of a deceased person which includes the body in any stage of decomposition, and includes cremated human remains.

**Summary of Amended Bill:**

A medical examiner and law enforcement are added as additional persons (in addition to the coroner) that an individual can notify when he or she knows of the existence and location of human remains.

"Knowingly" is added as an element of the crime of moving or concealing human remains; thus making the act of knowingly moving or concealing human remains without authorization a gross misdemeanor offense.

In evaluating whether it is necessary to retain jurisdiction and custody over human remains, a coroner or medical director must consider the deceased person's religious beliefs, if known, including tenets, customs, and rites related to death and burial.

The term "dead body" is replaced with the term "human remains," which also includes skeletal remains.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill adds the term medical examiner to existing statute. In Washington there are three different types of systems for dealing with death investigations. If a county's population is under 40,000 then they have a prosecuting attorney/coroner. If the county has a population over 40,000 they have an elected coroner. If the county has a population over 250,000 then they have the option of using a medical examiner. This gives those larger counties the option and jurisdiction to use medical examiners which is currently reserved for coroners.

(Opposed) None.

**Persons Testifying:** Warren McLeod, Washington Association of Coroners and Medical Examiners.

**Persons Signed In To Testify But Not Testifying:** None.