

# SENATE BILL REPORT

## SB 5891

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As Reported by Senate Committee On:  
Law & Justice, February 19, 2015

**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:** Senator Angel.

**Brief History:**

**Committee Activity:** Law & Justice: 2/12/15, 2/19/15 [DPS, DNP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

**Minority Report:** Do not pass.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Kohl-Welles.

**Staff:** Aldo Melchiori (786-7439)

**Background:** It is a misdemeanor to dispose of any human remains in any place except in a cemetery or a building dedicated exclusively for religious purposes. Cremated human remains can be disposed on private property with the permission of the property owner and on public or government land or waters with the approval of the appropriate governmental agency. Human remains may be possessed by a physician, surgeon, medical student, or accredited educational institution offering funeral services and embalming programs may possess human remains for the purposes of anatomical inquiry or instruction.

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.

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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.*

**Summary of Bill (Recommended Substitute):** It is a class C felony to sell or commercially display human remains. It is not unlawful to possess, exhibit, or display human remains for educational or artistic purposes at a public or private museum or gallery.

The possession of human remains by authorized search and rescue personnel for the purpose of training human remains detection canines is not prohibited. Authorized search and rescue personnel are defined as personnel registered as emergency workers with their county's department of emergency management who deploy at the direction of law enforcement agencies.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute):** It is not unlawful to possess, exhibit, or display human remains for educational or artistic purposes at a public or private museum or gallery.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: People do not always report it when they find human body parts. People do not always recognize human remains and distinguish them from others. This would extend the same protections to all human remains, against sale or uses for profit, that are currently available for Native American human remains. Human remains are being sold at estate sales, garage sales, pawn shops, and online. The provisions for the possession of human remains for the purposes of training search and rescue dogs is important because these dogs help recover missing people and help law enforcement locate human remains.

**Persons Testifying:** PRO: Senator Angel, prime sponsor; Timothy Davidson, Cowlitz County Coroner; Katherine Murphy, All Breed Canine Search and Rescue; Heather Cuttley, King County Search Dogs.