

HOUSE BILL REPORT

SSB 6501

As Reported by House Committee On:
Public Safety

Title: An act relating to the disposition of human remains and cremation.

Brief Description: Concerning the disposition of human remains and cremation.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Padden).

Brief History:

Committee Activity:

Public Safety: 2/25/20, 2/27/20 [DP].

Brief Summary of Substitute Bill

- Elevates the penalty from a misdemeanor to a class C felony if a person disposes of a body or part of a body of a deceased person, as opposed to other forms of human remains, in any place except a cemetery or building dedicated exclusively for religious purposes.
- Reinstates omitted references to cremation in sections of the code related to the funeral industry and disposition of human remains that were amended in prior legislation and take effect May 1, 2020.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, 2nd Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

Disposition of Human Remains.

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.

"Human remains" is defined as the body of a deceased person, including remains following the process of cremation, alkaline hydrolysis, or natural organic reduction. It also includes the body in any stage of decomposition.

In general, a person who performs a disposition of any human remains, except as authorized by law, in any place other than a cemetery or building dedicated exclusively for religious purposes, is guilty of a misdemeanor. However, disposition of human remains following cremation, alkaline hydrolysis, or natural organic reduction may also occur on private property with consent of the property owner, and on government or public lands or waters, with the approval of the government agency with jurisdiction or control over the waters or lands.

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and the maximum fine a court can impose for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

If a felony is "unranked," it means that the offense does not have a statutorily designated seriousness level under the Sentencing Reform Act. Unranked felonies carry a maximum period of confinement of one year regardless of the class of felony.

2019 Amendments to Statutes Regulating the Funeral Industry and Disposition of Remains.

Legislation enacted in 2019 added alkaline hydrolysis and natural organic reduction as approved methods for final disposition of human remains in the statutory provisions relating to the handling, storing, and scattering of human remains, as well as regulatory provisions related to the funeral industry. In amendatory provisions that go into effect May 1, 2020, the legislation omitted the current authority for the Department of Licensing to enter the premises of a crematory facility, as well as references to cremation in several other sections of code related to handling and disposition of remains.

Summary of Bill:

A person who performs a disposition of the body or any part of the body of a deceased person, except as authorized by law, in any place other than a cemetery or building dedicated exclusively for religious purposes, is guilty of an unranked class C felony.

Omitted references to cremation are restored in amended sections of the code related to the funeral industry and disposition of remains that take effect May 1, 2020.

Appropriation: None.

Fiscal Note: Requested on February 25, 2020.

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

Staff Summary of Public Testimony:

(In support) In a case in Spokane, a body was dumped as part of a criminal enterprise. The person confessed, but the body was never found. It was discovered later that the disposal of the body is only punishable as a misdemeanor, carrying a maximum 90-day sentence, which is totally inappropriate. Due to its nature, the penalty for this offense should be increased to an unranked felony. Unauthorized disposal of ashes remains a misdemeanor. The other component of the bill is to address concerns brought forth by the Department of Licensing regarding prior legislation related to human composting. That legislation inadvertently took away the Department of Licensing's authority to regulate crematoriums.

(Opposed) None.

Persons Testifying: Senator Padden, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.