

# SENATE BILL REPORT

## SB 6501

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As of February 6, 2020

**Title:** An act relating to the unlawful disposition of human remains.

**Brief Description:** Concerning the unlawful disposition of human remains.

**Sponsors:** Senator Padden.

**Brief History:**

**Committee Activity:** Law & Justice: 2/04/20.

### Brief Summary of Bill

- Increases the penalty for the unlawful disposition of human remains from a misdemeanor to an unranked class C felony.
- Authorizes the Department of Licensing's inspector of funeral establishments and facilities to enter and inspect the place of business and facilities where cremation occurs.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** In 2019, the Legislature amended laws related to the disposition of human remains and the licensing requirements for professions conducting funerals and preparation of human remains for final disposition. Two additional methods of preparing human remains are now included—alkaline hydrolysis and natural organic reduction. The effective date for the amendments is May 1, 2020.

Disposition of human remains is currently a misdemeanor, except as provided by law. Human remains must be placed in a cemetery or building dedicated exclusively for religious purposes. On or after May 1, 2020, disposition of human remains that are cremated, prepared by alkaline hydrolysis, or by natural organic reduction, may be on private property with the owner's permission, or on public or government lands or water, with approval of the government agency having jurisdiction over the location.

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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.*

The Department of Licensing (DOL) regulates funeral industry facilities, business practices, and professions, including funeral directors and embalmers. Regulation includes establishing minimum qualifications licensing examinations for funeral directors and embalmers, and licenses for funeral establishments. Regulation also includes inspection of funeral homes and facilities where human remains are prepared for final disposition. In the 2019, revisions to the licensing law added alkaline hydrolysis and natural organic reduction to approved methods for final disposition of human remains requiring a special license endorsement. In 2019 amendments, the authority for DOL's inspector to enter the premises of a crematory facility was inadvertently deleted from the statute.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** The unauthorized disposition of human remains is an unranked class C felony. DOL's inspector of funeral facilities may inspect facilities where cremation of human remains occurs.

**Appropriation:** None.

**Fiscal Note:** Requested on February 2, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is the kind of crime that shocks the conscience and the penalty should be upgraded to a felony. Attempting to conceal a murder by dismembering a body and disposing of it should not be a misdemeanor. It is appropriate to make it an unranked felony. It is very difficult for a family who does not know where their loved one is and never has a chance to say goodbye or put their loved one to rest in a proper burial. As it stands now this crime as a misdemeanor is in the same general category as tampering with evidence which is a gross misdemeanor. The tampering crime could involve pieces of paper or other evidence. It is a much different level of crime than disposing of a body to hide a murder. By making the crime an unranked class C felony it will give the prosecutors something to work with.

OTHER: The bill should distinguish between the unlawful disposition of the human body and cremation as far as the criminal penalty. Bodies and body parts should be in a different category. My murdered daughter's body was never found. A suspect pawned her rings the day after she disappeared. I was stunned to hear that you can dump a body and it is just a misdemeanor. The officer acted as if it was not worth charging. The suspect in my daughter's case killed other women. He was only held accountable when one Idaho victim survived the attack and was able to testify. He was charged under Idaho's law on illegal disposing of a body and is now in prison in Boise. The laws should be changed so that law enforcement has the tools it needs to hold criminals accountable. There needs to be a difference between a murder victim's body disposed of to hide a crime and a person who dies of natural causes. The bill should be made clearer. Someone should be put to rest where they want to be but not through wrongdoing such as a murder. The bill leaves a wide door open for disposal of a body as part of a serious crime.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Larry Haskell, citizen.

OTHER: Jackie Forney, citizen; Cheryl Mitchell, citizen.

**Persons Signed In To Testify But Not Testifying:** No one.