

## HB20- 1148 Offenses Committed Against A Deceased Human

**Summary:** This bill amends Section 18-13-101, C.R.S. and would raise the penalty for Abuse of a Corpse to a Class 6 Felony (Currently it is a Class 2 misdemeanor). While recently passed legislation targets the Human Remains Sales Business as well as Tampering with a Human Body (to hinder official proceedings) – the penalty for Offenses Committed Against A Deceased Human Body still needs to be strengthened in order to fill a gap in this group of heinous crimes.

**Reasoning:** Based on horrific events that have occurred in Colorado (and on the Western Slope in particular) over the last few years, it is necessary to increase the penalty for those who might abuse a human body. This gruesome crime is currently treated as a misdemeanor, which does not provide the severity of justice that families expect, nor does it provide an effective level of deterrence.

**Current Law** (Section 18-13-101, C.R.S) Abuse of corpse. A person commits an abuse of corpse crime if he or she removes the body or remains from a grave or other place of sepulcher without consent, or treats the body or remains in a way that would outrage normal family sensibilities.

- Abuse of corpse is currently a Class 2 misdemeanor and carries a possible jail term of three months to 364 days, a fine of between \$250 and \$1,000, or both.

### **Proposed Penalty for Abuse of a Corpse**

- Class 6 Felony, which would carry a possible jail term of one year to 18 months and/or fines from \$1,000 to \$100,000 and a mandatory parole period of 1 year.

### **Recent Related Bills to Address**

#### (SB18-234) Human Remains Disposition Sale Businesses.

Targeted at those who mislead family members about the disposition of their loved ones remains – primarily for profit.

This addresses the case of the Sunset Mesa Funeral Home in

Montrose, where bodies were sold to tissue banks without the knowledge or consent of the families involved.

(SB16-034) Tampering with a Human Body. This law is targeted at those who tamper with human remains to hinder official proceedings and is currently listed as a Class 3 Felony.

### **Related Points:**

- Recent incidents in Colorado, and in particular the Western Slope, have outraged families. These families continue to demand justice for their deceased loved ones.
- The current classification and penalty for Class 2 misdemeanors does not reflect the seriousness of the offense and the deep psychological distress felt by the families of the victims.
- (From the Fiscal Note) *Based on prior conviction data, this analysis assumes that there will be a minimal impact on criminal case filings resulting from the bill. As such, any increase in criminal penalties or court fees, and the related TABOR impact is expected to be minimal.*
- The Bill also clarifies that a defendant may not be convicted of both abuse of a corpse and tampering with a deceased human body if the act arises out of a single incident.

### **Frequency of Charges:**

Since January 1, 2015 in Colorado:

- 31 charges for abuse of a corpse
- 20 convictions for abuse of a corpse

### **Where does Colorado Stand?**

- 40 states have stronger penalties for abuse of a corpse than Colorado.
- 8 states are on par with Colorado.
- 2 states have not identified laws for this offence.

### **Other Class 2 Misdemeanors**

- Hairstyling without a license
- Littering from a motor vehicle
- Second Degree Arson (where damage is less than \$100 Damage)

### **Other Class 6 Felonies**

- Cruelty to animals
- Firearms on school grounds
- Sexual exploitation of a child