

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0484.01 Jerry Barry x4341

SENATE BILL 16-034

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Fields and Lawrence,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING TAMPERING WITH A DECEASED HUMAN BODY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the crime of tampering with a deceased human body by making it a crime for a person to:

- ! Tamper with human remains with the intent to impair or alter its appearance or availability for an official proceeding; or
- ! Observe human remains with reason to believe that a crime has been committed and intentionally fail to notify law enforcement.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 25, 2016

SENATE
Amended 2nd Reading
February 24, 2016

Tampering with a deceased human body is:

- ! A class 3 felony if the remains relate to a class 1 or class 2 felony;
- ! A class 4 felony if the remains relate to a class 3 or class 4 felony;
- ! A class 5 felony if the remains relate to a class 5 or class 6 felony; or
- ! A class 1 misdemeanor if the remains relate to any class of misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-8-610.5 as
3 follows:

4 **18-8-610.5. Tampering with a deceased human body.** (1) A
5 PERSON COMMITS TAMPERING WITH A DECEASED HUMAN BODY IF,
6 BELIEVING THAT AN OFFICIAL PROCEEDING IS PENDING, IN PROGRESS, OR
7 ABOUT TO BE INSTITUTED AND ACTING WITHOUT LEGAL RIGHT OR
8 AUTHORITY THE PERSON WILLFULLY DESTROYS, MUTILATES, CONCEALS,
9 REMOVES, OR ALTERS A HUMAN BODY, PART OF A HUMAN BODY, OR
10 HUMAN REMAINS WITH INTENT TO IMPAIR ITS OR THEIR APPEARANCE OR
11 AVAILABILITY IN THE OFFICIAL PROCEEDINGS.

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13 (2) TAMPERING WITH A DECEASED HUMAN BODY IS A CLASS 3
14 FELONY.

15 **SECTION 2.** In Colorado Revised Statutes, 18-8-610, **amend** (2)
16 as follows:

17 **18-8-610. Tampering with physical evidence.** (2) "Physical
18 evidence", as used in this section, includes any article, object, document,
19 record, or other thing of physical substance; EXCEPT THAT "PHYSICAL
20 EVIDENCE" DOES NOT INCLUDE A HUMAN BODY, PART OF A HUMAN BODY,

1 OR HUMAN REMAINS SUBJECT TO A VIOLATION OF SECTION 18-8-610.5.

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SECTION 3. Act subject to petition - effective date -

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applicability. (1) This act takes effect September 1, 2016; except that,
5 if a referendum petition is filed pursuant to section 1 (3) of article V of
6 the state constitution against this act or an item, section, or part of this act
7 within the ninety-day period after final adjournment of the general
8 assembly, then the act, item, section, or part will not take effect unless
9 approved by the people at the general election to be held in November
10 2016 and, in such case, will take effect on the date of the official
11 declaration of the vote thereon by the governor.

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(2) This act applies to offenses committed on or after the
13 applicable effective date of this act.