

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

State, Veterans, & Military Affairs

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.*

HOUSE
3rd Reading Unamended
March 17, 2016

HOUSE
2nd Reading Unamended
March 16, 2016

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,

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if a referendum petition is filed pursuant to section 1 (3) of article V of

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the state constitution against this act or an item, section, or part of this act

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within the ninety-day period after final adjournment of the general

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assembly, then the act, item, section, or part will not take effect unless

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approved by the people at the general election to be held in November

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2016 and, in such case, will take effect on the date of the official

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declaration of the vote thereon by the governor.

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(2) This act applies to offenses committed on or after the

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applicable effective date of this act.