

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0484.01 Jerry Barry x4341

**SENATE BILL 16-034**

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**SENATE SPONSORSHIP**

**Sonnenberg,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.*

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.

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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:

14 (a) A CLASS 3 FELONY IF THE HUMAN BODY, PART OF A HUMAN  
15 BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF A CLASS 1  
16 FELONY OR CLASS 2 FELONY;

17 (b) A CLASS 4 FELONY IF THE HUMAN BODY, PART OF A HUMAN  
18 BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF A CLASS 3  
19 FELONY OR A CLASS 4 FELONY;

20 (c) A CLASS 5 FELONY IF THE HUMAN BODY, PART OF A HUMAN

1 BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF A CLASS 5  
2 FELONY OR A CLASS 6 FELONY; OR

3 (d) A CLASS 1 MISDEMEANOR IF THE HUMAN BODY, PART OF A  
4 HUMAN BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF ANY  
5 MISDEMEANOR.

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

8 **18-8-610. Tampering with physical evidence.** (2) "Physical  
9 evidence", as used in this section, includes any article, object, document,  
10 record, or other thing of physical substance; EXCEPT THAT "PHYSICAL  
11 EVIDENCE" DOES NOT INCLUDE A HUMAN BODY, PART OF A HUMAN BODY,  
12 OR HUMAN REMAINS SUBJECT TO A VIOLATION OF SECTION 18-8-610.5.

13 **SECTION 3. Potential appropriation.** Pursuant to section  
14 2-2-703, C.R.S., any bill that results in a net increase in periods of  
15 imprisonment in the state correctional facilities must include an  
16 appropriation of moneys that is sufficient to cover any increased capital  
17 construction and operational costs for the first five fiscal years in which  
18 there is a fiscal impact. Because this act may increase periods of  
19 imprisonment, this act may require a five-year appropriation.

20 **SECTION 4. Act subject to petition - effective date -**  
21 **applicability.** (1) This act takes effect September 1, 2016; except that,  
22 if a referendum petition is filed pursuant to section 1 (3) of article V of  
23 the state constitution against this act or an item, section, or part of this act  
24 within the ninety-day period after final adjournment of the general  
25 assembly, then the act, item, section, or part will not take effect unless  
26 approved by the people at the general election to be held in November  
27 2016 and, in such case, will take effect on the date of the official

1 declaration of the vote thereon by the governor.

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

3 applicable effective date of this act.