

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

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.

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:

9 (a) WILLFULLY DESTROYS, MUTILATES, CONCEALS, REMOVES, OR  
10 ALTERS A HUMAN BODY, PART OF A HUMAN BODY, OR HUMAN REMAINS  
11 WITH INTENT TO IMPAIR ITS OR THEIR APPEARANCE OR AVAILABILITY IN  
12 THE OFFICIAL PROCEEDING; OR

13 (b) (I) OBSERVES A HUMAN BODY, PART OF A HUMAN BODY, OR  
14 HUMAN REMAINS UNDER CIRCUMSTANCES IN WHICH A REASONABLE  
15 PERSON WOULD BELIEVE THAT AN OFFENSE HAS BEEN COMMITTED;

16 (II) KNOWS OR REASONABLY SHOULD KNOW THAT LAW  
17 ENFORCEMENT IS NOT AWARE OF THE EXISTENCE OR THE LOCATION OF THE  
18 BODY, PART, OR REMAINS; AND

19 (III) WILLFULLY FAILS TO REPORT THE EXISTENCE AND LOCATION  
20 OF THE HUMAN BODY, PART, OR REMAINS TO A LAW ENFORCEMENT

1 AGENCY.

2 (2) TAMPERING WITH A DECEASED HUMAN BODY IS:

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

6 (b) A CLASS 4 FELONY IF THE HUMAN BODY, PART OF A HUMAN  
7 BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF A CLASS 3  
8 FELONY OR A CLASS 4 FELONY;

9 (c) A CLASS 5 FELONY IF THE HUMAN BODY, PART OF A HUMAN  
10 BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF A CLASS 5  
11 FELONY OR A CLASS 6 FELONY; OR

12 (d) A CLASS 1 MISDEMEANOR IF THE HUMAN BODY, PART OF A  
13 HUMAN BODY, OR HUMAN REMAINS ARE RELATED TO A CHARGE OF ANY  
14 MISDEMEANOR.

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

22 **SECTION 3. Potential appropriation.** Pursuant to section  
23 2-2-703, C.R.S., any bill that results in a net increase in periods of  
24 imprisonment in the state correctional facilities must include an  
25 appropriation of moneys that is sufficient to cover any increased capital  
26 construction and operational costs for the first five fiscal years in which  
27 there is a fiscal impact. Because this act may increase periods of

1 imprisonment, this act may require a five-year appropriation.

2           **SECTION 4. Act subject to petition - effective date -**  
3 **applicability.** (1) This act takes effect September 1, 2016; except that,  
4 if a referendum petition is filed pursuant to section 1 (3) of article V of  
5 the state constitution against this act or an item, section, or part of this act  
6 within the ninety-day period after final adjournment of the general  
7 assembly, then the act, item, section, or part will not take effect unless  
8 approved by the people at the general election to be held in November  
9 2016 and, in such case, will take effect on the date of the official  
10 declaration of the vote thereon by the governor.

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