



**Legislative Council Staff**  
*Research Note*

Version: Final  
Date: 4/12/2016

**Bill Number**

**Senate Bill 16-034**

**Sponsors**

***Senator Sonnenberg  
Representatives Fields &  
Lawrence***

**Short Title**

***Tampering With A Deceased  
Human Body***

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**Status**

This research note reflects the final version of the bill, which was signed by the Governor on April 7, 2016, and becomes effective September 1, 2016, assuming no referendum petition is filed.

**Summary**

This bill creates a new crime of tampering with a deceased human body. This offense occurs if a person acts without legal authority and with the belief that an official proceeding is pending or in progress and willfully destroys, conceals, or alters a human body with the intent to impair its appearance or availability for an official proceeding.

The bill classifies tampering with a deceased human body as a class 3 felony.

The bill excludes human remains from the definition of physical evidence, with regard to the existing offense of tampering with physical evidence.

**Background**

***Class 3 felony sentencing.*** The bill classifies tampering with a deceased human body as a class 3 felony. Under existing law, class 3 felonies are punishable by 4-12 years imprisonment, a \$3,000-\$750,000 fine, or both.

***Existing crimes.*** There are currently no Colorado laws that specifically prohibit tampering with

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human remains, but tampering with physical evidence is a class 6 felony. Colorado law does provide some guidance for handling the discovery of human remains. A person who discovers, knowingly disturbs, or has in his or her in custody, suspected human skeletal remains must immediately notify the coroner or medical examiner of the county wherein the remains are located and the sheriff, police chief, or land managing agency official. The law does not provide a penalty for failing to notify the proper authorities. There are additional statutory provisions relating to handling human remains by those who work with or dispose of human remains, and in anthropological investigations.

## Senate Action

**Senate Judiciary Committee (February 3, 2016).** At the hearing, representatives from the Colorado Criminal Defense Bar, Colorado Victims for Justice, the Colorado District Attorneys' Council, and Colorado Coroners, as well as two private citizens, testified in support of the bill. There was no testimony in opposition to the bill. The committee adopted Amendment L.002, which removed failure to report the existence and location of a body to law enforcement from the definition of tampering with a deceased human body, and referred the bill, as amended, to the Senate Appropriations Committee.

**Senate Appropriations Committee (February 12, 2016).** The committee adopted Amendment J.001, which removed a potential appropriation section, and referred the bill to the Senate Committee of the Whole.

**Senate second reading (February 17-19, 22-24, 2016).** On February 18, the Senate adopted the Senate Judiciary Committee and Senate Appropriations Committee reports and the bill was laid over for further action. On February 23, 2016, the Senate adopted Amendment 1, which removed provisions classifying the crime of tampering with a deceased human body in relation to the underlying criminal offense and made the crime a class 3 felony. The Senate laid the bill over to February 24. On February 24, 2016, the Senate passed the bill on second reading, as amended.

**Senate third reading (February 25, 2016).** The Senate passed the bill on third reading with no amendments.

## House Action

**House State, Veterans, and Military Affairs Committee (March 14, 2016).** At the hearing, representatives of the Colorado Criminal Defense Bar, Colorado District Attorneys' Council, Colorado Victims for Justice, the Colorado Coroners Association, and a private citizen testified in support of the bill. There was no testimony in opposition to the bill. The committee referred the bill to the House Committee of the Whole.

**House second reading (March 16, 2016).** The House passed the bill on second reading with no amendments.

**House third reading (March 17, 2016).** The House passed the bill on third reading with no amendments.