

CHAPTER 72

CRIMINAL LAW AND PROCEDURE

SENATE BILL 16-034

BY SENATOR(S) Sonnenberg, Cooke, Crowder, Jahn, Johnston, Martinez Humenik, Newell, Roberts, Scott, Todd, Woods;
also REPRESENTATIVE(S) Fields and Lawrence, Brown, Joshi, Pabon, Primavera, Wist.

AN ACT**CONCERNING TAMPERING WITH A DECEASED HUMAN BODY.**

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

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

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

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

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

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

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2016; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: April 7, 2016