

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0559.01 Jacob Baus x2173

HOUSE BILL 20-1148

HOUSE SPONSORSHIP

Soper,

SENATE SPONSORSHIP

Fields and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PUNISHMENTS RELATED TO OFFENSES COMMITTED
102 AGAINST 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://leg.colorado.gov>.)

The bill changes the penalty for abuse of a corpse to a class 6 felony.

The bill states that a defendant may not be convicted of more than one offense if one offense is for tampering with a deceased human body and the other offense is for abuse of a corpse, if the act arises out of a single incident.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-8-610.5, **add** (3)
3 as follows:

4 **18-8-610.5. Tampering with a deceased human body.** (3) (a) A
5 DEFENDANT MAY NOT BE CONVICTED OF BOTH TAMPERING WITH A
6 DECEASED HUMAN BODY, AS DESCRIBED IN SUBSECTION (1) OF THIS
7 SECTION, AND ABUSE OF A CORPSE, AS DESCRIBED IN SECTION 18-13-101
8 (1), IF THE ACT ARISES OUT OF A SINGLE INCIDENT.

9 (b) IF A DEFENDANT IS CHARGED WITH BOTH TAMPERING WITH A
10 DECEASED HUMAN BODY, AS DESCRIBED IN SUBSECTION (1) OF THIS
11 SECTION, AND ABUSE OF A CORPSE, AS DESCRIBED IN SECTION 18-13-101,
12 THE COURT SHALL PROCEED PURSUANT TO SECTION 18-1-408.

13 **SECTION 2.** In Colorado Revised Statutes, 18-13-101, **amend**
14 (1) introductory portion, (1)(a), and (2); and **add** (3) as follows:

15 **18-13-101. Abuse of a corpse.** (1) A person commits abuse of a
16 corpse if, without statutory or court-ordered authority, ~~he or she~~ THE
17 PERSON:

18 (a) Removes the body or remains of any person from a grave or
19 other place of sepulcher without the consent of the person who has the
20 right to dispose of the remains pursuant to section 15-19-106; ~~C.R.S.~~ or

21 (2) Abuse of a corpse is a ~~class 2 misdemeanor~~ CLASS 6 FELONY.

22 (3) (a) A DEFENDANT MAY NOT BE CONVICTED OF BOTH ABUSE OF
23 A CORPSE, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND
24 TAMPERING WITH A DECEASED HUMAN BODY, AS DESCRIBED IN SECTION
25 18-8-610.5 (1), IF THE ACT ARISES OUT OF A SINGLE INCIDENT.

26 (b) IF A DEFENDANT IS CHARGED WITH BOTH ABUSE OF A CORPSE,

1 AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND TAMPERING WITH
2 A DECEASED HUMAN BODY, AS DESCRIBED IN SECTION 18-8-610.5 (1), THE
3 COURT SHALL PROCEED PURSUANT TO SECTION 18-1-408.

4 **SECTION 3. Potential appropriation.** Pursuant to section
5 2-2-703, C.R.S., any bill that results in a net increase in periods of
6 imprisonment in state correctional facilities must include an appropriation
7 of money that is sufficient to cover any increased capital construction, any
8 operational costs, and increased parole costs that are the result of the bill
9 for the department of corrections in each of the first five years following
10 the effective date of the bill. Because this act may increase periods of
11 imprisonment, this act may require a five-year appropriation.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.