

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0559.01 Jacob Baus x2173

HOUSE BILL 20-1148

HOUSE SPONSORSHIP

Soper and Singer, Herod, Michaelson Jenet, Roberts, Tipper, Titone, Valdez A., Weissman

SENATE SPONSORSHIP

Fields and Gardner, Bridges, Cooke, Coram, Donovan, Garcia, Ginal, Gonzales, Holbert, Lee, Marble, Rodriguez, Scott, Smallwood, Story, Tate, Todd, Williams A.

House Committees
Judiciary

Senate Committees
Judiciary
Appropriations

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.*

SENATE
3rd Reading Unamended
March 11, 2020

SENATE
Amended 2nd Reading
March 10, 2020

HOUSE
3rd Reading Unamended
February 12, 2020

HOUSE
2nd Reading Unamended
February 10, 2020

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.** In Colorado Revised Statutes, 16-5-401, **amend**
5 **(4.5) as follows:**

6 **16-5-401. Limitation for commencing criminal proceedings**
7 **and juvenile delinquency proceedings.** (4.5) The period within which
8 a prosecution must be commenced begins to run upon discovery of the
9 criminal act or the delinquent act for:

10 (w) Criminal offenses relating to securities fraud, pursuant to part
11 5 of article 51 of title 11; and

12 (x) Insurance fraud, pursuant to section 18-5-211;

13 (y) TAMPERING WITH A DECEASED HUMAN BODY, PURSUANT TO
14 SECTION 18-8-610.5; AND

15 (z) ABUSE OF A CORPSE, PURSUANT TO SECTION 18-13-101.

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

27 (2) Section 3 of this act applies to offenses committed on or after

1 the applicable effective date of this act and all offenses committed prior
2 to the applicable effective date of this act for which the statute of
3 limitations has not expired as of the applicable effective date of this act.