

CHAPTER 100

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 20-1148

BY REPRESENTATIVE(S) Soper and Singer, Herod, Michaelson Jenet, Roberts, Tipper, Titone, Valdez A., Weissman, Duran, Gonzales-Gutierrez, Lontine, Snyder;
also SENATOR(S) Fields and Gardner, Bridges, Cooke, Coram, Donovan, Ginal, Gonzales, Holbert, Lee, Marble, Rodriguez, Scott, Smallwood, Story, Tate, Todd, Williams A., Garcia.

AN ACT**CONCERNING PUNISHMENTS RELATED TO OFFENSES COMMITTED AGAINST A DECEASED HUMAN BODY.**

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

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

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

(b) IF A DEFENDANT IS CHARGED WITH BOTH ABUSE OF A CORPSE, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND TAMPERING WITH A DECEASED HUMAN BODY, AS DESCRIBED IN SECTION 18-8-610.5 (1), THE COURT SHALL PROCEED PURSUANT TO SECTION 18-1-408.

SECTION 3. In Colorado Revised Statutes, 16-5-401, **amend** (4.5) as follows:

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

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

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

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

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

SECTION 4. Act subject to petition - effective date. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 item, section, or part of this act within such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 3 of this act applies to offenses committed on or after the applicable effective date of this act and all offenses committed prior to the applicable effective date of this act for which the statute of limitations has not expired as of the applicable effective date of this act.

Approved: April 1, 2020