

SUBJECT: Increasing penalty to state-jail felony for certain abuse of corpse offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang,  
Wilson

0 nays

SENATE VOTE: On final passage, April 25 — 31-0

WITNESSES: For — Michelle Jones Mcelhanon, Justice for the Unspoken; Nakia Davis, Justice for the Unspoken - Sgt. Larry Ray Davis; Mary Hurst, the victims of Johnson Family Mortuary; Kenneth Braxton, victim of Johnson & Johnson Mortuary; Felicia Braxton, victim of Johnson Mortuary; Lisa Lopez; (*Registered, but did not testify*: Vincent Giardino, Tarrant County Criminal District Attorney's Office)

Against — None

BACKGROUND: Penal Code, sec. 42.08 makes abuse of a corpse a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). It is an offense if the person, without legal authority, knowingly:

- disinters, disturbs, damages, dissects, carries away, or treats in an offensive manner a human corpse;
- conceals a human corpse knowing it to be illegally disinterred;
- sells or buys a human corpse or in any way traffics in a human corpse;
- transmits or conveys, or procures to be transmitted or conveyed, a human corpse to a place outside the state; or
- vandalizes, damages, or treats in an offensive manner the space in which a human corpse has been interred or otherwise permanently laid to rest.

Some have argued that the penalties relating to certain types of abuse of a corpse that relate to the handling of human remains do not adequately fit the severity of the crime.

**DIGEST:** SB 524 would increase from a class A misdemeanor to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) the penalty for abuse of a corpse, except that an offense involving vandalizing, damaging, or treating in an offensive manner the space in which a human corpse had been interred or otherwise permanently laid to rest would remain a class A misdemeanor.

SB 524 would take effect September 1, 2017, and would apply only to an offense committed on or after that date.