

**Introduced by Senators Nguyen and Bates
(Coauthor: Senator Nielsen)**

(Coauthor: Assembly Member Brough)

February 17, 2016

An act to amend Section 152 of the Penal Code, relating to wrongful concealment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1088, as introduced, Nguyen. Wrongful concealment: accidental death.

Existing law makes it a misdemeanor for a person who has knowledge of an accidental death to actively conceal or attempt to conceal that death. Existing law provides that the punishment for that offense is imprisonment in a county jail for not more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that fine and imprisonment.

This bill would make that offense a misdemeanor or a felony, and if a felony, punishable by imprisonment, as specified, or the fine described above, or by both that fine and imprisonment.

By creating a new felony, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 152 of the Penal Code is amended to
2 read:

3 152. (a) ~~Every~~ (1) A person who, having knowledge of an
4 accidental death, actively conceals or attempts to conceal that
5 death, ~~shall be~~ *is* guilty of a misdemeanor ~~punishable by~~
6 ~~imprisonment in a county jail for not more than one year, or by a~~
7 ~~fine of not less than one thousand dollars (\$1,000) nor more than~~
8 ~~ten thousand dollars (\$10,000), or by both that fine and~~
9 ~~imprisonment.~~ *or a felony punishable as follows:*

10 (2) *If a misdemeanor, by imprisonment in a county jail for not*
11 *more than one year, or by a fine of not less than one thousand*
12 *dollars (\$1,000) nor more than ten thousand dollars (\$10,000),*
13 *or by both that fine and imprisonment.*

14 (3) *If a felony, by imprisonment pursuant to subdivision (h) of*
15 *Section 1170, or by a fine of not less than one thousand dollars*
16 *(\$1,000) nor more than ten thousand dollars (\$10,000), or by both*
17 *that fine and imprisonment.*

18 (b) For purposes of this section, “to actively conceal an
19 accidental death” means any of the following:

20 (1) To perform an overt act that conceals the body or directly
21 impedes the ability of authorities or family members to discover
22 the body.

23 (2) To directly destroy or suppress evidence of the actual
24 physical body of the deceased, including, but not limited to, bodily
25 fluids or tissues.

26 (3) To destroy or suppress the actual physical instrumentality
27 of death.

28 SEC. 2. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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