

## Senate Bill No. 139

### CHAPTER 396

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

[Approved by Governor September 15, 1999. Filed  
with Secretary of State September 15, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 139, Johnson. Accidental death: concealment.

(1) Under existing law, every person who, having knowledge of the actual commission of a crime and under specified circumstances compounds or conceals that crime, is guilty of a crime punishable as follows:

(a) By imprisonment in the state prison, or in a county jail not exceeding one year, where the crime was punishable by death or imprisonment in the state prison for life.

(b) By imprisonment in the state prison, or in a county jail not exceeding 6 months, where the crime was punishable by imprisonment in the state prison for any other term than for life.

(c) By imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, where the crime was a misdemeanor.

This bill would provide that every person who, having knowledge of an accidental death, actively conceals or attempts to conceal that death, shall be punished by 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. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill also would define the phrase "to actively conceal an accidental death."

(2) 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.

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

SECTION 1. Section 152 is added to the Penal Code, to read:

152. (a) Every person who, having knowledge of an accidental death, actively conceals or attempts to conceal that death, shall be guilty of a misdemeanor punishable by imprisonment in a county jail



for not more than one year, or by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

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

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

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

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

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

