

AMENDED IN ASSEMBLY MAY 3, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2261**

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**Introduced by Assembly Member Matthews**

February 22, 2006

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An act to amend Section 7052 of the Health and Safety Code, relating to human remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 2261, as amended, Matthews. Human remains: sexual contact.

Under existing law, every person who willfully mutilates, disinters, removes from the place of interment, or commits an act of sexual penetration on, or has sexual contact with, any remains known to be human, without authority of law, is guilty of a felony. ~~Under existing law, the penalty for a person who commits first degree murder in the commission or attempted commission of rape, is death or imprisonment in the state prison for life without the possibility of parole.~~

~~This bill would provide that if sexual contact or penetration on human remains is found to have occurred after the person killed the victim, the punishment shall be imprisonment in the state prison for life without the possibility of parole. Because the bill would create a new crime, the bill would impose a state-mandated local program.~~

~~This bill would increase the punishment for willfully mutilating, disinterring, removing, committing an act of sexual penetration on, or having sexual contact with human remains to imprisonment in the state prison for 3, 6 or 8 years. Because this bill would change the punishment for this crime, it 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.~~

*This bill would increase the punishment for willfully mutilating, disinterring, removing, committing an act of sexual penetration on, or having sexual contact with human remains to imprisonment in the state prison for 3, 6 or 8 years.*

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

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

1 SECTION 1. Section 7052 of the Health and Safety Code is  
2 amended to read:

3 7052. (a) Every person who willfully mutilates, disinters,  
4 removes from the place of interment, or commits an act of sexual  
5 penetration on, or has sexual contact with, any remains known to  
6 be human, without authority of law, is guilty of a felony  
7 *punishable by imprisonment in the state prison for three, six, or*  
8 *eight years.* This section does not apply to any person who, under  
9 authority of law, removes the remains for reinterment, or  
10 performs a cremation.

11 (b) For purposes of this section, the following definitions  
12 apply:

13 (1) "Sexual penetration" means the unlawful penetration of the  
14 vagina or anus, however slight, by any part of a person's body or  
15 other object, or any act of sexual contact between the sex organs  
16 of a person and the mouth or anus of a dead body, or any oral  
17 copulation of a dead human body for the purpose of sexual  
18 arousal, gratification, or abuse.

19 (2) "Sexual contact" means any willful touching by a person  
20 of an intimate part of a dead human body for the purpose of  
21 sexual arousal, gratification, or abuse.

22 ~~(e) If the sexual contact or penetration is found to have~~  
23 ~~occurred after the person killed the victim, the punishment shall~~  
24 ~~be imprisonment in the state prison for life without the possibility~~  
25 ~~of parole.~~

1     ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
2     ~~Section 6 of Article XIII B of the California Constitution because~~  
3     ~~the only costs that may be incurred by a local agency or school~~  
4     ~~district will be incurred because this act creates a new crime or~~  
5     ~~infraction, eliminates a crime or infraction, or changes the~~  
6     ~~penalty for a crime or infraction, within the meaning of Section~~  
7     ~~17556 of the Government Code, or changes the definition of a~~  
8     ~~crime within the meaning of Section 6 of Article XIII B of the~~  
9     ~~California Constitution.~~

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