

1 **H. B. 2734**

2  
3 (By Delegate Ambler)

4 [Introduced February 26, 2013; referred to the  
5 Committee on the Judiciary then Finance.]

6 **FISCAL**  
7 **NOTE**

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §61-12-16, relating  
12 to making it illegal for anyone to photograph a corpse except  
13 for certain legitimate purposes; and providing criminal  
14 penalties.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §61-12-16, to read as  
18 follows:

19 **ARTICLE 12. POSTMORTEM EXAMINATIONS.**

20 **§61-12-16. Photography of a corpse; when prohibited; penalties;**  
21 **exceptions.**

22 (a) (1) Except as needed for purposes of a legitimate  
23 postmortem examination, or for criminal justice purposes in the

1 investigation of a crime, no person may photograph a corpse.

2       (2) A person who violates subdivision (1) of this subsection  
3 is guilty of a misdemeanor, and, upon conviction, shall be fined  
4 not less than \$50 nor more than \$500. For a second offense the  
5 person is guilty of a misdemeanor and, upon conviction thereof,  
6 shall be confined in jail for twenty-four hours and shall be fined  
7 not less than \$100 nor more than \$750. For a third or subsequent  
8 offense under this subsection, the person is guilty of a  
9 misdemeanor and, upon conviction thereof, shall be confined in jail  
10 for not less than twenty-four hours and not more than six months,  
11 and shall be fined not less than \$1,000 nor more than \$5,000.

12       (b) Subdivision (1), subsection (a) of this section does not  
13 prohibit a person from taking a photograph of a decedent's corpse  
14 at a wake, funeral, or memorial or burial service.

NOTE: The purpose of this bill is to make it illegal for anyone to photograph a corpse except for certain legitimate purposes.

This section is new; therefore, it has been completely underscored.