

1 H. B. 4132

2  
3 (By Delegates Ambler, Cowles, Cooper, Cadle,  
4 Evans, Sobonya, Hunt, Poore, P. Smith,  
5 Pino and Boggs)

6 [Introduced January 14, 2014; referred to the  
7 Committee on the Judiciary then Finance.]

**FISCAL  
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  
24 investigation of a crime, no person may photograph a corpse.

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

11       (b) Subdivision (1), subsection (a) of this section does not  
12 prohibit a person from taking a photograph of a decedent's corpse  
13 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.