

H. B. 4452

(By Delegates Young, Poore, Ambler, P. Smith, Longstreth, Lynch, Boggs, Pino, Guthrie, Hunt and Barrett)

[Introduced February 10, 2014; referred to the Committee on the Judiciary then Finance.]

FISCAL NOTE

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. POSTMORTEM EXAMINATIONS.

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

(a) (1) Except as needed for purposes of a legitimate postmortem examination, or for criminal justice purposes in the investigation of a crime, no person may photograph a corpse.

(2) A person who violates subdivision (1) of this subsection

1 is guilty of a misdemeanor and, upon conviction, shall be fined not
2 less than \$100 nor more than \$500. For a second offense the person
3 is guilty of a misdemeanor and, upon conviction thereof, shall be
4 confined in jail for twenty-four hours and shall be fined not less
5 than \$250 nor more than \$750. For a third or subsequent offense
6 under this subsection, the person is guilty of a misdemeanor and,
7 upon conviction thereof, shall be confined in jail for not less
8 than twenty-four hours and not more than six months, and shall be
9 fined not less than \$1,000 nor more than \$5,000.

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