

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 707

By Senators Woodrum, Barnhart, Deeds, and Weld

[Introduced February 2, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-8-14a, relating to crimes involving abuse or desecration of human
3 remains; providing definitions; creating criminal offenses; clarifying sentencing; providing
4 exemptions; and clarifying the venue for prosecution.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-14a. Abuse or desecration of a deceased human body or cremated human remains;
penalties; **exemptions.**

1 (a) Definitions. – For purposes of this section:

2 (1) "Cremated human remains" means the bone fragments and ash remaining after the
3 lawful cremation of a deceased human body.

4 (2) "Deceased human body" or "human remains" means the body of a deceased person,
5 including any part thereof, whether intact or dismembered.

6 (3) "Desecrate" or "abuse" means to knowingly and intentionally:

7 (A) Mutilate, dismember, burn, cut, or physically damage a deceased human body;

8 (B) Remove, conceal, or dispose of a deceased human body or any part thereof in an
9 unauthorized manner; or

10 (C) Treat a deceased human body in a manner that a reasonable person would know
11 would outrage ordinary family or community sensibilities regarding the respectful handling of the
12 dead.

13 (b) Abuse or desecration of a deceased human body: base offense. –

14 Any person who knowingly and intentionally abuses or desecrates a deceased human
15 body is guilty of a felony, and upon conviction thereof, shall be confined in a state correctional
16 facility for a determinate sentence of not less than one nor more than five years, or fined not more
17 than \$5,000, or both fined and imprisoned.

18 (c) Aggravated abuse or desecration of a deceased human body. –

19 (1) A person commits aggravated abuse or desecration of a deceased human body if the
20 conduct described in subsection (b) is committed for the purpose of:

21 (A) Concealing a death;

22 (B) Hindering identification of the deceased;

23 (C) Tampering with or destroying evidence;

24 (D) Avoiding detection, arrest, or prosecution;

25 (E) Occurs in connection with, or in furtherance of, any felony offense; or

26 (F) Is committed for commercial exploitation, coercion, intimidation, or personal
27 gratification.

28 (2) A person convicted under this subsection is guilty of a felony, and upon conviction
29 thereof, shall be confined in a state correctional facility for a determinate sentence of not less than
30 two nor more than 10 years, or fined not less than \$2,000 nor more than \$10,000, or both fined and
31 imprisoned.

32 (d) Sentencing. –

33 Any sentence imposed under subsection (c) may be ordered to run consecutively to any
34 other sentence imposed for a separate offense, in the discretion of the court.

35 (e) Cremated human remains: limited applicability. –

36 (1) The provisions of this section apply to cremated human remains only when a person
37 knowingly and intentionally:

38 (A) Scatters, disposes of, conceals, abandons, or destroys cremated human remains
39 without authorization in a manner that a reasonable person would know would outrage ordinary
40 family or community sensibilities; or

41 (B) Uses cremated human remains for commercial exploitation, coercion, intimidation, or
42 fraudulent purposes.

43 (2) Nothing in this subsection applies to lawful disposition or ceremonial scattering
44 performed with the consent of the next of kin or other person authorized by law or handling of

45 cremated human remains conducted in compliance with state or federal law.

46 (f) This section does not apply to conduct involving a deceased human body or cremated
47 human remains that is performed:

48 (1) Pursuant to lawful authority or legal process;

49 (2) By a medical examiner, forensic pathologist, or their authorized agents;

50 (3) By law-enforcement officers or emergency personnel acting within the scope of their
51 official duties;

52 (4) By licensed funeral directors, embalmers, crematory operators, cemetery operators, or
53 their employees acting in compliance with state law;

54 (5) By organ or tissue procurement organizations operating pursuant to law; or

55 (6) For bona fide medical, scientific, educational, or research purposes authorized by law.

56 (g) *Venue.* –

57 An offense under this section may be prosecuted in the county where the conduct occurred
58 or the county where the deceased human body or any part thereof was discovered.

NOTE: The purpose of this bill is to fill a gap in existing law by criminalizing intentional, outrageous mistreatment of the dead without tying prosecution to proof of homicide or other underlying criminal activity, while still providing enhanced penalties when the conduct is connected to concealment, obstruction, or felony conduct.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.