

H. B. 2122

(By Delegates Ambler, Cooper, Howell, Householder, Walters,
R. Smith, Canterbury and Gearheart)

[Introduced January 20, 2015; 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 is guilty of a misdemeanor and,
upon conviction, shall be fined not less than \$50 nor more than \$500. For a second offense the

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

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