WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2122

FISCAL
NOTE

2015 Carryover

(BY DELEGATES AMBLER, COOPER, HOUSEHOLDER,

WALTERS, R. SMITH, CANTERBURY AND GEARHEART)

[Introduced January 13, 2016; referred to the

Committee on the Judiciary then Finance.]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

2   designated §61-12-16, relating to making it illegal for anyone to photograph a corpse

3   except for certain legitimate purposes; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

1   That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new

2   section, designated §61-12-16, to read as follows:

ARTICLE 12.   POSTMORTEM   EXAMINATIONS.

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

1   (a)(1) Except as needed for purposes of a legitimate postmortem examination, or for

2   criminal justice purposes in the investigation of a crime, no person may photograph a corpse.

3   (2) A person who violates subdivision (1) of this subsection is guilty of a misdemeanor

4   and, upon conviction, shall be fined not less than $50 nor more than $500. For a second offense

5   the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for

6   twenty-four hours and shall be fined not less than $100 nor more than $750. For a third or

7   subsequent offense under this subsection, the person is guilty of a misdemeanor and, upon

8   conviction thereof, shall be confined in jail for not less than twenty-four hours and not more than

9   six months, and shall be fined not less than $1,000 nor more than $5,000.

10   (b) Subdivision (1), subsection (a) of this section does not prohibit a person from taking a

11 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.