

**Senate Study Bill 3161 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CRIMINAL CODE  
REORGANIZATION STUDY  
COMMITTEE BILL)

**A BILL FOR**

1 An Act relating to the abuse of a corpse and providing  
2 penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229A.2, subsection 10, paragraph a, Code  
2 2009, is amended to read as follows:

3 a. A violation of any provision of chapter 709, ~~except~~  
4 ~~section 709.18, subsection 2 or 3.~~

5 Sec. 2. Section 692A.102, subsection 1, paragraph b,  
6 Code Supplement 2009, is amended by adding the following new  
7 subparagraph:

8 NEW SUBPARAGRAPH. (130) Sexual abuse of a corpse in  
9 violation of section 709.18.

10 Sec. 3. NEW SECTION. 708.14 Abuse of a corpse.

11 1. A person commits abuse of a human corpse if the person  
12 does any of the following:

13 a. Mutilates, disfigures, or dismembers a human corpse with  
14 the intent to conceal a crime.

15 b. Hides or buries a human corpse with the intent to conceal  
16 a crime.

17 2. A person who violates this section commits a class "D"  
18 felony.

19 Sec. 4. Section 709.18, Code 2009, is amended to read as  
20 follows:

21 709.18 Abuse Sexual abuse of a corpse.

22 1. A person commits sexual abuse of a human corpse if the  
23 person knowingly and intentionally engages in a sex act, as  
24 defined in section 702.17, with a human corpse.

25 ~~2. A person commits abuse of a human corpse if the person~~  
26 ~~mutilates, disfigures, or dismembers a human corpse with the~~  
27 ~~intent to conceal a crime.~~

28 ~~3. A person commits abuse of a human corpse if the person~~  
29 ~~hides or buries a human corpse with the intent to conceal a~~  
30 ~~crime.~~

31 ~~4.~~ 2. A person who violates this section commits a class  
32 "D" felony.

33

#### EXPLANATION

34 This bill relates to the criminal offense of abuse of a  
35 corpse.

1 The bill transfers some "abuse of a corpse" provisions from  
2 Code section 709.18 to Code chapter 708 (assault) and creates  
3 new Code section 708.14. The bill renames the "abuse of a  
4 corpse" offense remaining in Code section 709.18 as "sexual  
5 abuse of a corpse".

6 The bill requires a person who commits sexual abuse of  
7 a corpse to register as a tier II sex offender. A tier II  
8 offender must verify the offender's relevant information with  
9 the county sheriff of the principal place of residence every  
10 six months.

11 The bill does not modify the penalty classification for the  
12 criminal offense that remains in Code section 709.18 or for the  
13 criminal offenses transferred to new Code section 708.14. A  
14 person who commits a violation of the bill commits a class "D"  
15 felony.

16 The bill does effect the criminal penalties applicable to  
17 the criminal offenses transferred to new Code section 708.14.  
18 Under the bill, as a result of transferring the criminal  
19 offenses to new Code section 708.14, these transferred offenses  
20 are no longer sexual offenses under Code chapter 709 and  
21 therefore not subject to a special sentence pursuant to Code  
22 section 903B.2.