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# OHIO LEGISLATIVE SERVICE COMMISSION

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**H.B. 161**  
**133rd General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. R. Smith

Jeff Hobday, Attorney

### Summary

- Increases the penalties for abuse of a corpse in circumstances that involve dismemberment or mutilation of the corpse.

### Detailed Analysis

#### Abuse of a corpse

The bill increases criminal penalties for abuse of a corpse in circumstances that involve dismemberment or mutilation of a human corpse. Current law, unchanged by the bill, prohibits a person from doing either of the following, except as authorized by law:<sup>1</sup>

--Treating a human corpse in a way that the person knows would outrage reasonable family sensibilities;

--Treating a human corpse in a way that would outrage reasonable community sensibilities.

A violation of the first prohibition is the offense of "abuse of a corpse," and a violation of the second is "gross abuse of a corpse."<sup>2</sup>

#### Penalties for abuse of a corpse

Under current law, unchanged by the bill, the penalties for abuse of corpse offenses are as follows:

<sup>1</sup> R.C. 2927.01(A) and (B).

<sup>2</sup> R.C. 2927.01(C)(1) and (2).

Offense	Degree of offense	Incarceration (discretionary unless mandatory term is indicated)
The human corpse is treated in a way that the person knows would outrage reasonable family sensibilities. <sup>3</sup>	Second degree misdemeanor (M2)	Ninety days
The human corpse is treated in a way that would outrage reasonable community sensibilities. <sup>4</sup>	Fifth degree felony (F5)	Six to twelve months

Under the bill, the penalties for the abuse of corpse offenses increase if the conduct that constitutes the violation involves dismemberment or mutilation of a human corpse as follows:

Offense	Degree of offense	Incarceration (discretionary unless mandatory term is indicated)
The offender commits the violation by knowingly dismembering, severing, separating, dissecting, or mutilating any part of a human corpse. <sup>5</sup>	F1	Mandatory prison term of six, seven, eight, nine, ten, or eleven years with no early or judicial release
The offender commits the violation by knowingly dismembering or mutilating any part of a human corpse as part of a ceremony, rite, initiation, observance, performance, or practice. <sup>6</sup>	F2	Two, three, four, five, six, seven, or eight years
The offender commits the violation by knowingly dismembering, dissecting, mutilating, or incinerating any part of the human corpse of a	F2	Mandatory prison term of four, five, six, seven, or eight years with no early or judicial release

<sup>3</sup> R.C. 2927.01(C)(1).

<sup>4</sup> R.C. 2927.01(C)(2).

<sup>5</sup> R.C. 2927.01(C)(3) and 2929.13(F)(23).

<sup>6</sup> R.C. 2927.01(C)(4).

Offense	Degree of offense	Incarceration (discretionary unless mandatory term is indicated)
<p>child as part of a ceremony, rite, initiation, observance, performance, or practice.<sup>7</sup></p> <p>The violation is a repeat offense.</p>	F1	Mandatory prison term of six, seven, eight, nine, ten, or eleven years with no early or judicial release

### Comment

The bill does not state that the increased penalties for abuse of a corpse are minimum prison terms, but S.B. 201 of the 132<sup>nd</sup> General Assembly changed the criminal sentencing law to require the court to impose an indefinite prison term for any first or second degree felony committed on or after March 22, 2019. Generally, the law requires the court to select a minimum prison term from within the range appropriate for a first or second degree felony, and the term may be extended up to a maximum in certain circumstances. If the penalty specific to an offense differs from the range of prison terms generally applicable to a first or second degree felony, the specific penalty for the offense applies, but the prison term imposed should be considered the offender's minimum term of imprisonment.<sup>8</sup>

### History

Action	Date
Introduced	03-25-19

H0161-I-133/ec

<sup>7</sup> R.C. 2927.01(C)(5) and 2929.13(F)(23).

<sup>8</sup> See R.C. 2929.14(A)(1)(a) and (2)(a) and 2929.144, not in the bill.