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HB

FILED

2006 MAR 31 P 2:43

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 4588

(By Delegates Carmichael and Armstead)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

2006 MAR 31 P 2:43

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4588**

(BY DELEGATES CARMICHAEL AND ARMSTEAD)

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[Passed March 11, 2006; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-5a, relating to creating a crime for concealing a deceased human body; exceptions; defense of affirmatively informing law enforcement; and prescribing 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 §61-2-5a, to read as follows:

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-5a. Concealment of deceased human body; penalty.**

- 1 (a) Any person who, by any means, knowingly and willfully
- 2 conceals, attempts to conceal or who otherwise aids and abets

3 any person to conceal a deceased human body where death  
4 occurred as a result of criminal activity is guilty of a felony and,  
5 upon conviction thereof, shall be confined in a correctional  
6 facility for not less than one year nor more than five years and  
7 fined not less than one thousand dollars, nor more than five  
8 thousand dollars.

9 (b) It shall be a complete defense in a prosecution pursuant  
10 to subsection (a) of this section that the defendant affirmatively  
11 brought to the attention of law enforcement within forty-eight  
12 hours of concealing the body and prior to being contacted  
13 regarding the death by law enforcement the existence and  
14 location of the concealed deceased human body.

15 (c) The provisions of subsection (a) of this section do not  
16 apply to practitioners regulated by the provisions of article six,  
17 chapter thirty of this code or their agents while acting in their  
18 lawful professional capacities.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy White*  
Chairman Senate Committee

*Beun*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

*David Gilman*  
Clerk of the Senate

*Bruce M. Bay*  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
President of the Senate

*Robert*  
Speaker of the House of Delegates

The within *is approved* this the *31<sup>st</sup>*  
day of *May*, 2006.

\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2006

Time 4:05pm