



Ohio Legislative Service Commission

Bill Analysis

Jennifer Huntzinger

H.B. 29

128th General Assembly
(As Introduced)

Reps. Mallory and Combs, Stewart, Harris, Stautberg, Boyd, Letson, Slesnick, DeBose, Derickson

BILL SUMMARY

- Prohibits any person from engaging in sexual conduct with a human corpse and makes a violation of this prohibition a felony of the third degree.

CONTENT AND OPERATION

Abusing a corpse

Current law prohibits any person, except as authorized by law, from treating a human corpse in a way that the person knows would outrage reasonable family sensibilities. Whoever violates this prohibition is guilty of abuse of a corpse, a misdemeanor of the second degree. Current law also prohibits, except as authorized by law, any person from treating a human corpse in a way that would outrage reasonable community sensibilities. Whoever violates this prohibition is guilty of gross abuse of a corpse, a felony of the fifth degree. (R.C. 2927.01(A), (B), and (D).)

The bill prohibits a person from engaging in "sexual conduct" with a human corpse (see **COMMENT**). Whoever violates this prohibition is guilty of necrophilia, a felony of the third degree. (R.C. 2927.01(C) and (D).)

* The earlier version provided in the dot point that the penalty for a violation of the prohibition created by the bill is a felony of the fifth degree.

COMMENT

The bill defines "sexual conduct" as that term is defined in R.C. 2907.01, meaning vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. (R.C. 2907.01(A), not in the bill, and 2927.01(C).)

HISTORY

ACTION	DATE
Introduced	02-18-09

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