
SENATE BILL 5888

State of Washington

56th Legislature

1999 Regular Session

By Senators Fraser and Winsley; by request of Department of Community, Trade, and Economic Development

Read first time 02/15/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to historic cemeteries; and amending RCW 68.60.050.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 68.60.050 and 1989 c 44 s 5 are each amended to read
4 as follows:

5 (1) Any person who knowingly removes, mutilates, defaces, injures,
6 or destroys any historic grave shall be guilty of a class C felony
7 punishable under chapter 9A.20 RCW. Persons disturbing historic graves
8 through inadvertence, including disturbance through construction, shall
9 reinter the human remains under the supervision of the ((~~cemetery~~
10 ~~board~~)) office of archaeology and historic preservation. Expenses to
11 reinter such human remains are to be provided by the office of
12 archaeology and historic preservation to the extent that funds for this
13 purpose are appropriated by the legislature.

14 (2) This section does not apply to actions taken in the performance
15 of official law enforcement duties.

16 (3) It shall be a complete defense in a prosecution under
17 subsection (1) of this section if the defendant can prove by a
18 preponderance of evidence that the alleged acts were accidental or
19 inadvertent and that reasonable efforts were made to preserve the

1 remains accidentally disturbed or discovered, and that the accidental
2 discovery or disturbance was properly reported.

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