



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Passes Bill to Protect Remains of Crime Victims

DEAN G. SKELOS May 14, 2012

The New York State Senate today passed legislation, sponsored by Senator Michael Ranzenhofer (R-C-I, Amherst), that would close a loophole in the state health law that gave a Western New York man who killed his wife the sole rights to her remains.

In 2009, Constance Shepherd of Tonawanda was brutally murdered by her husband, Stephen Shepherd. Her family fought to gain control of her remains to ensure a proper funeral and burial. However, under the state Public Health Law Stephen Shepherd had the sole rights to control the disposal of her remains.

The bill ([S.4124A](#)) would prohibit a person who was the subject of an Order of Protection obtained by the deceased person, or who has been charged with causing the death of the deceased person, from having control of the disposition of the deceased's remains.

“It doesn’t make sense that if you’re accused of murdering your spouse, you get control over their body and the funeral arrangements,” Senator Ranzenhofer said. “This bill corrects a very real problem by closing a loophole in the law that only serves to compound a family’s grief after the tragic passing of a loved one.”

Senator Ranzenhofer announced the pending Senate action on the bill at a Capitol news conference today where he was joined by Elaine O’Toole of Tonawanda, the cousin of Constance Shepherd, and by Assemblyman Robin Schimminger (D-Buffalo), who is sponsoring the bill in the Assembly.

Stephen Shepherd was sentenced last year to 21 years in prison. For an extended period of time, he refused to take any action to dispose of his wife’s remains, leaving her body in the county morgue.

When the husband did finally act, it was to dispose of her body in a way that her family believes was intentionally disrespectful, in violation of the woman's beliefs and a further act of hostility towards her.

Another incident in Western New York also highlighted the need to change the law. Family members of Aasiya

Hassan of Orchard Park were not able to obtain the rights to her remains after she was killed by her husband, Mo Hassan.

“Persons who have exhibited the type of extreme hostility toward a decedent, as shown by an order of protection or criminal charges, are not suitable to act in a respectful manner to plan final funeral and burial arrangements,” Senator Ranzenhofer said. “I look forward to this measure being passed by both houses and being signed into law so we can avoid these tragic situations in the future.”

The bill was sent to the Assembly.