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Senate raises penalty for body-part theft

Bill doubling jail time heads to the Assembly

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Prompted by an ongoing investigation into a ring that allegedly stole parts of more than 1,000 corpses, the state Senate approved a bill yesterday making it a first-degree crime to trade in human remains against the wishes of the deceased.

"This bill is necessary to protect patients from receiving unsafe transplantations and to assure families that their deceased love ones' corpses will not be desecrated," co-sponsor Sen. Barbara Buono (D-Middlesex) said of the measure, which now advances to the full Assembly for consideration.

New York authorities have charged a former Fort Lee dentist of running a ring that stole body parts from more than 1,000 cadavers and sold them for use in transplants. Michael Mastromarino and three alleged associates at Biomedical Tissue Services were arrested last February in Brooklyn.

The arrests prompted dozens of lawsuits from patients around the country who allege they were recipients of tainted body parts. The ring allegedly used forged documents that altered the ages of elderly donors and concealed the fact that some may have died of cancer or other diseases.

New Jersey law currently makes it a second-degree crime to steal human remains, punishable by up to 10 years in prison. The proposal passed yesterday by the Senate, 39-0, would make it a first-degree crime to steal human remains through deceptive practices, with a maximum prison sentence of 20 years.

In addition, the bill (S2032) would make it illegal to falsify donor documents or knowingly purchase or sell a human body part against the decedent's final wish.

"When a family lays a loved one to rest, there is a sense of security in knowing that you have dutifully honored the person's final wishes," said Sen. Joseph Vitale (D-Middlesex), also a co-sponsor. "When those final wishes are betrayed by a profiteer looking to cash in on organ donations, we need strong penalties to ensure that justice is done."

No charges have been filed in New Jersey against Mastromarino, who has denied any wrongdoing in the case brought by the Brooklyn District Attorney's Office. He contends funeral parlor directors were responsible for getting consent for body-part donations.

According to the Brooklyn district attorney, Biomedical Tissue Services removed skin, bones and other parts from bodies obtained from funeral homes in New York City, northern New Jersey, Philadelphia and Rochester, N.Y., between January 2002 and October 2005, including the body of "Masterpiece Theatre" host Alistair Cooke, who died in 2004.

The body parts were then sold to five commercial tissue processors for use in thousands of transplant patients from Vermont to California, without obtaining families' permission or testing for disease, prosecutors have said.

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