GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

Η

HOUSE DRH80032-LGz-12B (11/6)

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Short Title:	Modify Laws For Desecrating Graves.	(Public)
Sponsors:	Representative Justus.	
Referred to:		

1		A BILL TO BE ENTITLED	
2		T TO MODIFY THE LAW REGARDING THE DESECRATION OF A	
3		VE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON	
4	ABA	NDONED CEMETERIES.	
5	The Gene	eral Assembly of North Carolina enacts:	
6		SECTION 1. G.S. 14-148 reads as rewritten:	
7	7 "§ 14-148. Defacing or desecrating grave sites.		
8	(a)	It is unlawful to willfully:	
9		(1) Throw, place or put any refuse, garbage or trash in or on any cemetery;	
10		(2) Take away, disturb, vandalize, destroy or change the location of any	
11		stone, brick, iron or other material or fence enclosing a cemetery	
12		without authorization of law or consent of the surviving spouse or next	
13		of kin of the deceased thereby causing damage of less than one	
14		thousand dollars (\$1,000); or	
15		(3) Take away, disturb, vandalize, destroy, <u>or tamper with or deface any</u>	
16		tombstone, headstone, monument, grave marker, grave ornamentation,	
17		grave artifacts, shrubbery, flowers, plants or other articles within any	
18		cemetery erected or placed to designate where a body ishuman remains	
19		are interred or to preserve and perpetuate the memory and name of any	
20		person, without authorization of law or the consent of the surviving	
21		spouse or next of kin, thereby causing damage of less than one	
22		thousand dollars (\$1,000).	
23	(b)	The provisions of this section shall not apply to a professional archaeologist	
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26	(c)	Violation of this section is a Class 1 misdemeanor. In passing sentence, the	

27 court shall consider the appropriateness of restitution or reparation as a condition of

General Assembly of North Carolina

1	probation under G.S. 15A-1343(b)(6) as an alternative to actual imposition of a fine, jail			
2	term, or both."			
3	SECTION 2. G.S. 14-149 reads as rewritten:			
4	"§ 14-149. Desecrating, plowing over or covering up graves.			
5	(a) It is a Class I felony, without authorization of law or the consent of the			
6	surviving spouse or next of kin of the deceased, to knowingly and willfully:			
7	(1) Open, disturb, destroy, remove, vandalize or desecrate any casket,			
8	human remains casket or any portion thereof or the repository of any			
9	such human remains, by any means including plowing under, tearing			
10	up, covering over or otherwise obliterating or removing any grave;			
11	(1a) Take away, disturb, vandalize, destroy, tamper with, or deface any			
12	tombstone, headstone, monument, grave marker, grave ornamentation,			
13	or grave artifacts within any cemetery erected or placed to designate			
14	the place where human remains are interred or to preserve and			
15	perpetuate the memory and the name of any person;			
16	(2) Take away, vandalize or destroy any stone, brick, iron or other			
17	material or fence enclosing a cemetery, causing damage of more than			
18	one thousand dollars (\$1,000); or			
19	(3) Take away, <u>disturb</u> , vandalize, destroy or deface <u>destroy</u> , or tamper			
20	with any tombstone, headstone, monument, grave marker, grave			
21	ornamentation, grave artifacts, shrubbery, flowers, plants or other			
22	articles within any cemetery erected or placed to designate the place			
23	where any dead body ishuman remains are interred or to preserve and			
24	perpetuate the memory and the name of any person, causing damage of			
25	more than one thousand dollars (\$1,000).			
26	(a1) It is a Class H felony, without authorization of law or the consent of the			
27	surviving spouse or next of kin of the deceased, to knowingly and willfully disturb,			
28	destroy, remove, vandalize, or desecrate any human remains that have been interred in a			
29	<u>cemetery.</u>			
30	(b) The provisions of this section shall not apply to a professional archaeologist			
31	as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70			
32	of the General Statutes."			
33	SECTION 3. Sections 1 and 2 of this act become effective December 1,			
34	2007, and apply to offenses committed on or after that date. The remainder of this act is			
35	effective when it becomes law.			