

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 752
HOUSE BILL 611

AN ACT TO REVISE THE PENALTIES FOR DESECRATION OF CEMETERIES AND GRAVES, AS RECOMMENDED BY THE ABANDONED CEMETERIES STUDY COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-148 is rewritten to read:

"§ 14-148. Defacing or desecrating grave sites. — (a) It is unlawful to willfully:

- (1) throw, place or put any refuse, garbage or trash in or on any cemetery;
- (2) take away, disturb, vandalize, destroy or change the location of any stone, brick, iron or other material or fence enclosing a cemetery without authorization of law or consent of the surviving spouse or next of kin of the deceased thereby causing damage of less than one thousand dollars (\$1,000); or
- (3) take away, disturb, vandalize, destroy, tamper with or deface any tombstone, headstone, monument, grave marker, grave ornamentation, grave artifacts, shrubbery, flowers, plants or other articles within any cemetery erected or placed to designate where a body is interred or to preserve and perpetuate the memory and name of any person, without authorization of law or the consent of the surviving spouse or next of kin, thereby causing damage of less than one thousand dollars (\$1,000).

Violation of this section is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not less than 60 days nor more than one year, or both, in the discretion of the court. In passing sentence, the court shall consider the appropriateness of restitution or reparation as a condition of probation under G.S. 15A-1343(b)(6) as an alternative to actual imposition of a fine, jail term, or both."

Sec. 2. G.S. 14-149 is rewritten to read:

"§ 14-149. Desecrating, plowing over or covering up graves. — It is a Class I felony, without authorization of law or the consent of the surviving spouse or next of kin of the deceased, to knowingly and willfully:

- (1) open, disturb, destroy, remove, vandalize or desecrate any casket, human remains or any portion thereof or the repository of any such remains, by any means including plowing under, tearing up, covering over or otherwise obliterating or removing any grave;
- (2) take away, vandalize or destroy any stone, brick, iron or other material or fence enclosing a cemetery, causing damage of more than one thousand dollars (\$1,000); or
- (3) take away, vandalize, destroy or deface any tombstone, headstone, monument, grave marker, grave ornamentation, grave artifacts, shrubbery, flowers, plants or other articles within any cemetery erected or placed to designate the place where any dead body is interred or to preserve and perpetuate the memory and the name of any person, causing damage of more than one thousand dollars (\$1,000)."

Sec. 3. G.S. 14-150 and G.S. 14-150.1 are repealed.

Sec. 4. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 1st day of July, 1981.