

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 105

Short Title: Modify Laws For Desecrating Graves. (Public)

Sponsors: Representatives Justus, Spear, Johnson, E. Warren (Primary Sponsors);
Barnhart, Brubaker, Church, Coates, Cunningham, England, Frye, Glazier,
Gulley, Harrison, Hill, Holliman, Howard, Hurley, Kiser, Langdon, Love,
Lucas, McElraft, McGee, Mobley, Pate, Rapp, Ray, Ross, Steen, Sutton,
Tucker, Wainwright, Walker, R. Warren, West, and Womble.

Referred to: Rules, Calendar, and Operations of the House.

February 8, 2007

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE LAW REGARDING THE DESECRATION OF A
GRAVE, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON
ABANDONED CEMETERIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-148 reads as rewritten:

"§ 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, or 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 human remains ~~are~~ 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).

(b) The provisions of this section shall not apply to a professional archaeologist as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70 of the General Statutes.

1 (c) Violation of this section is a Class 1 misdemeanor. In passing sentence, the
2 court shall consider the appropriateness of restitution or reparation as a condition of
3 probation under G.S. 15A-1343(b)(6) as an alternative to actual imposition of a fine, jail
4 term, or both."

5 **SECTION 2.** G.S. 14-149 reads as rewritten:

6 "**§ 14-149. Desecrating, plowing over or covering up graves.**

7 (a) It is a Class I felony, without authorization of law or the consent of the
8 surviving spouse or next of kin of the deceased, to knowingly and willfully:

9 (1) Open, disturb, destroy, remove, vandalize or desecrate any ~~easket,~~
10 ~~human remains-casket~~ or any portion thereof or the repository of any
11 ~~such~~ human remains, by any means including plowing under, tearing
12 up, covering over or otherwise obliterating or removing any grave;

13 (1a) Take away, disturb, vandalize, destroy, tamper with, or deface any
14 tombstone, headstone, monument, grave marker, grave ornamentation,
15 or grave artifacts within any cemetery erected or placed to designate
16 the place where human remains are interred or to preserve and
17 perpetuate the memory and the name of any person;

18 (2) Take away, vandalize or destroy any stone, brick, iron or other
19 material or fence enclosing a cemetery, causing damage of more than
20 one thousand dollars (\$1,000); or

21 (3) Take away, disturb, vandalize, ~~destroy or defaced~~destroy, or tamper
22 with any ~~tombstone, headstone, monument, grave marker, grave~~
23 ~~ornamentation, grave artifacts,~~ shrubbery, flowers, plants or other
24 articles within any cemetery erected or placed to designate the place
25 where ~~any dead body is~~ human remains are interred or to preserve and
26 perpetuate the memory and the name of any person, causing damage of
27 more than one thousand dollars (\$1,000).

28 (a1) It is a Class H felony, without authorization of law or the consent of the
29 surviving spouse or next of kin of the deceased, to knowingly and willfully disturb,
30 destroy, remove, vandalize, or desecrate any human remains that have been interred in a
31 cemetery.

32 (b) The provisions of this section shall not apply to a professional archaeologist
33 as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70
34 of the General Statutes."

35 **SECTION 3.** Sections 1 and 2 of this act become effective December 1,
36 2007, and apply to offenses committed on or after that date. The remainder of this act is
37 effective when it becomes law.