

H. B. 4167

(By Delegates Barill, Perdue, Marshall, Fragale,
Jones, Barker, Iaquina, Hartman and Pethtel)

[Introduced January 14, 2014; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §61-8-14 of the Code of West Virginia,
1931, as amended, relating to increasing the criminal
penalties for damage to a cemetery or graveyard.

Be it enacted by the Legislature of West Virginia:

That §61-8-14 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

**§61-8-14. Disinterment or displacement of dead body or part
thereof; damage to cemetery or graveyard;
penalties; damages in civil action.**

(a) Any person who unlawfully and intentionally disinters or
displaces a dead human body, or any part of a dead human body,
placed or deposited in any vault, mausoleum or any temporary or
permanent burial place, removes personal effects of the decedent
removes or damages caskets, surrounds, outer burial containers, or
any other device used in making the original burial; transports

1 unlawfully removed human remains from the cemetery; or knowingly
2 receives unlawfully removed human remains from the cemetery is
3 guilty of a felony, and, upon conviction thereof, shall be confined
4 in a state correctional facility for a determinate sentence of not
5 more than five years.

6 (b) (1) Any person who intentionally desecrates any tomb, plot,
7 monument, memorial, or marker in a cemetery, or any gate, door,
8 fence, wall, post, or railing, or any enclosure for the protection
9 of a cemetery or any property in a cemetery, graveyard, mausoleum
10 or other designated human burial site is guilty of a felony,
11 ~~misdemeanor,~~ and, upon conviction thereof, shall be fined not more
12 than ~~\$2,000~~ \$10,000, or ~~confined in jail not more than one year~~
13 confined in a state correctional facility for a determinate
14 sentence of not more than five years, or both fined and confined.

15 (2) Any person who intentionally and without legal right
16 destroys, cuts, breaks, removes, or injures any building, statuary,
17 ornamentation, landscape contents, including a tree, shrub, flower,
18 or plant, within the limits of a cemetery, is guilty of a
19 misdemeanor, and, upon conviction thereof, shall be fined not more
20 than ~~\$2,000~~ \$5,000, or confined in jail not more than one year, or
21 both fined and confined.

22 (3) For the purposes of this subsection, "desecrate" means
23 destroying, cutting, mutilating, effacing, injuring, tearing down,
24 removing, defacing, damaging or otherwise physically mistreating in

1 a way that a reasonable person knows will outrage the sensibilities
2 of persons likely to observe or discover his or her actions.

NOTE: The purpose of this bill is to increase the criminal penalties for damage to a cemetery or graveyard.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.