

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2352

BY DELEGATES STATLER, WESTFALL, MAYNARD,
HOWELL, UPSON, HILL, KESSINGER, FOSTER, N.,
HIGGINBOTHAM, WARD AND WILLIAMS

[Introduced February 13, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §61-8-14 of the Code of West Virginia, 1931, as amended, relating
 2 to the criminal offense of desecration of graves and vandalizing cemeteries and mandating
 3 that persons convicted thereof shall be required to perform one thousand hours of service
 4 to and for the cemetery involved.

Be it enacted by the Legislature of West Virginia:

1 That §61-8-14 of the Code of West Virginia, 1931, as amended, be amended and
 2 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.**

3 (a) Any person who unlawfully and intentionally disinters or displaces a dead human body,
 4 or any part of a dead human body, placed or deposited in any vault, mausoleum or any temporary
 5 or permanent burial place, removes personal effects of the decedent removes or damages
 6 caskets, surrounds, outer burial containers, or any other device used in making the original burial;
 7 transports unlawfully removed human remains from the cemetery; or knowingly receives
 8 unlawfully removed human remains from the cemetery is guilty of a felony and, upon conviction
 9 thereof, shall be confined in a state correctional facility for a determinate sentence of not more
 10 than five years.

11 (b)(1) Any person who intentionally desecrates any tomb, plot, monument, memorial, or
 12 marker in a cemetery, or any gate, door, fence, wall, post, or railing, or any enclosure for the
 13 protection of a cemetery or any property in a cemetery, graveyard, mausoleum or other
 14 designated human burial site is guilty of a misdemeanor and, upon conviction thereof, shall be
 15 fined not more than \$2,000, or confined in jail not more than one year, or both fined and confined,
 16 and shall be required to perform one thousand hours of service in maintenance and improvements
 17 to the cemetery affected.

18 (2) Any person who intentionally and without legal right destroys, cuts, breaks, removes,

19 or injures any building, statuary, ornamentation, landscape contents, including a tree, shrub,
20 flower, or plant, within the limits of a cemetery, is guilty of a misdemeanor, and, upon conviction
21 thereof, shall be fined not more than \$2,000, or confined in jail not more than one year, or both
22 fined and confined, and shall be required to perform one thousand hours of service in
23 maintenance and improvements to the cemetery affected.

24 (3) For the purposes of this subsection, “desecrate” means destroying, cutting, mutilating,
25 effacing, injuring, tearing down, removing, defacing, damaging or otherwise physically mistreating
26 in a way that a reasonable person knows will outrage the sensibilities of persons likely to observe
27 or discover his or her actions.

NOTE: The purpose of this bill is to mandate that anyone who desecrates a grave or vandalizes a cemetery shall perform one thousand hours of service to the cemetery involved in the offense.

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