

SB # 33

RECEIVED
1994 FEB 22 PM 3:33
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 33

(By Senator Wiedebusch, et al)



PASSED February 15, 1994
In Effect from Passage

RECEIVED

1994 FEB 22 PM 3:33

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

Senate Bill No. 33

(BY SENATORS WIEDEBUSCH, ANDERSON, DITMAR, GRUBB,
HOLLIDAY, MACNAUGHTAN, MILLER, PLYMALE, ROSS,
WAGNER, WOOTON AND YODER)

[Passed February 15, 1994; in effect from passage.]

AN ACT to amend and reenact section fourteen, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the felony offense of unlawfully disinterring or displacing a dead human body or part thereof; the creation of the misdemeanor offense of intentionally desecrating a cemetery, graveyard, mausoleum or other designated human burial site; the definition of desecration; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

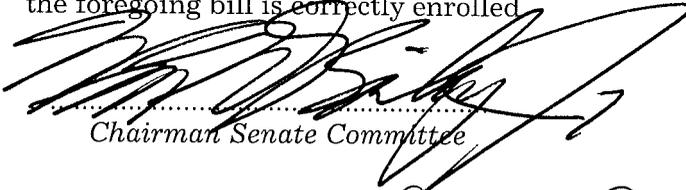
§61-8-14. Disinterment or displacement of dead body or part thereof; damage to cemetery or graveyard; penalties; damages in civil action.

1 (a) Any person who unlawfully disinters or displaces a
2 dead human body, or any part of a dead human body,
3 placed or deposited in any vault, mausoleum or any
4 temporary or permanent burial place, is guilty of a
5 felony, and, upon conviction thereof, shall be confined in
6 the penitentiary or other suitable state correctional
7 facility for a determinate sentence of not less than two
8 nor more than five years.

9 (b) (1) Any person who intentionally desecrates any
10 cemetery, graveyard, mausoleum or other designated
11 human burial site is guilty of a misdemeanor, and, upon
12 conviction thereof, shall be fined not more than two
13 thousand dollars, or confined in jail not more than one
14 year, or both fined and confined.

15 (2) For the purposes of this subsection, "desecrate"
16 means defacing, damaging or otherwise physically
17 mistreating in a way that a reasonable person knows will
18 outrage the sensibilities of persons likely to observe or
19 discover his or her actions.

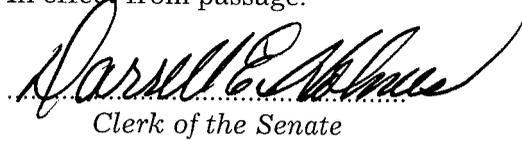
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled


.....
Chairman Senate Committee


.....
Chairman House Committee

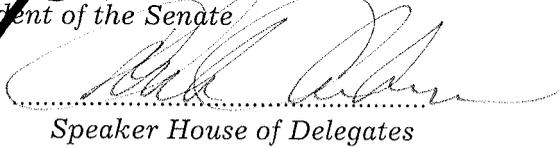
Originated in the Senate.

In effect from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this the *22nd*
day of *February*, 1994.


.....
Governor

PRESENTED TO THE
GOVERNOR

Date 2/18/95

Time 9:15 am