

By: Representatives Martinson, Bozeman, Cameron, Cummings, Davis, Dedeaux, Denny, Flaggs, Formby, Foster, Frierson, Gadd, Howell, Jennings, King, McElwain, Montgomery, Moore, Read, Roberson, Robinson (84th), Smith (35th), Smith (59th), Smith (27th), Smith (39th), Straughter, Warren, Watson, Williams, Woods

To: Judiciary B

HOUSE BILL NO. 1094

1 AN ACT TO AMEND SECTIONS 97-17-39 AND 97-29-25, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE CRIME OF DESECRATION OF A
3 CEMETERY SHALL BE A FELONY; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 97-17-39, Mississippi Code of 1972, is
6 amended as follows:

7 97-17-39. If any person, by any means whatever, shall
8 wilfully or mischievously injure or destroy any of the burial
9 vaults, urns, memorials, vases, foundations, bases or other
10 similar items in a cemetery, or injure or destroy any of the work,
11 materials, or furniture of any courthouse or jail, or other public
12 building, or schoolhouse or church, or deface any of the walls or
13 other parts thereof, or shall write, or make any drawings or
14 character, or do any other act, either on or in said building or
15 the walls thereof, or shall deface or injure the trees, fences,
16 pavements, or soil, on the grounds belonging thereto, or an
17 ornamental or shade tree on any public road or street leading
18 thereto, such person, upon conviction, for such offense, shall be
19 punished as follows:

20 (a) If the damage caused by the destruction or
21 defacement of such property has a value of less than Three Hundred
22 Dollars (\$300.00), any person who is convicted of such offense
23 shall be fined not more than One Thousand Dollars (\$1,000.00) or
24 be imprisoned in the county jail for not more than one (1) year,
25 or both.

26 (b) If the damage caused by the destruction or

27 defacement of such property has a value equal to or exceeding
28 Three Hundred Dollars (\$300.00), or if the damage violates the
29 structural integrity of the property regardless of the value of
30 the damage, any person who is convicted of such offense shall be
31 guilty of a felony and shall be fined not more than Five Thousand
32 Dollars (\$5,000.00) or be imprisoned in the State Penitentiary for
33 up to five (5) years, or both.

34 SECTION 2. Section 97-29-25, Mississippi Code of 1972, is
35 amended as follows:

36 97-29-25. Every person who shall knowingly and willfully dig
37 up, except as otherwise provided by law, obliterate, or in any way
38 desecrate any cemetery where human dead are interred, or cause
39 through word, deed or action the same to happen, shall be guilty
40 of a felony and shall upon conviction be imprisoned for not more
41 than five (5) years in the State Penitentiary or fined not more
42 than Five Thousand Dollars (\$5,000.00) or both, in the discretion
43 of the court. In addition to any penalties that the court is
44 otherwise authorized to impose the court may, in its discretion,
45 order such restitution as it deems appropriate.

46 In construing this section, a cemetery shall mean any plot of
47 ground (1) on which are grave markers of stone, wood, metal or any
48 other material recognizable as marking graves, or (2) the
49 boundaries of which are defined by a recorded plat, a fence line
50 or corner markers, or trees, or are defined in any other
51 discernible manner.

52 SECTION 3. This act shall take effect and be in force from
53 and after July 1, 1999.