

By: Representative Morris

To: Judiciary B

HOUSE BILL NO. 122  
(As Passed the House)

1 AN ACT TO AMEND SECTION 97-29-25, MISSISSIPPI CODE OF 1972,  
2 TO CREATE THE FELONY OF DESECRATION OF A HUMAN CORPSE; AND FOR  
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-29-25, Mississippi Code of 1972, is  
6 amended as follows:

7 97-29-25. (1) (a) Every person who shall knowingly and  
8 willfully dig up, except as otherwise provided by law, obliterate,  
9 or in any way desecrate any cemetery where human dead are  
10 interred, or cause through word, deed or action the same to  
11 happen, shall upon conviction be imprisoned for not more than one  
12 (1) year in the county jail or fined not more than Five Hundred  
13 Dollars (\$500.00), or both, in the discretion of the court. In  
14 addition to any penalties that the court is otherwise authorized  
15 to impose the court may, in its discretion, order such restitution  
16 as it deems appropriate.

17 (b) In construing this section, a cemetery shall mean  
18 any plot of ground (i) on which are grave markers of stone, wood,  
19 metal or any other material commonly recognizable as marking  
20 graves, or (ii) the boundaries of which are defined by a recorded  
21 plat, a fence line or corner markers, or trees, or are defined in  
22 any other discernible manner.

23 (2) Every person who shall knowingly and willfully dig up,  
24 except as otherwise provided by law, or in any way desecrate any  
25 corpse of any human being or the casket in which the corpse is  
26 placed, or cause through word, deed or action the same to happen,  
27 shall upon conviction be guilty of a felony and shall be

28 imprisoned for not more than three (3) years or fined not more  
29 than Five Thousand Dollars (\$5,000.00), or both, in the discretion  
30 of the court.

31       **SECTION 2.** This act shall take effect and be in force from  
32 and after July 1, 2004.