

By: Representative Banks

To: Judiciary B

HOUSE BILL NO. 1474

1 AN ACT TO CREATE A FELONY OFFENSE FOR REMOVING GRAVE MARKERS;
2 TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 97-17-39,
3 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** It shall be a felony to remove any military
6 marker, bronze vase, marker, memorial, statue or plaque from any
7 grave. A violation of this section shall be punishable by
8 imprisonment for up to ten (10) years in the custody of the
9 Department of Corrections and a person convicted under this
10 section shall be liable for all damages to such markers.

11 **SECTION 2.** Section 97-17-39, Mississippi Code of 1972, is
12 amended as follows:

13 97-17-39. Except as provided in Section 1 of this act, if
14 any person, by any means whatever, shall willfully or
15 mischievously injure or destroy any of the burial vaults, urns,
16 memorials, vases, foundations, bases or other similar items in a
17 cemetery, or injure or destroy any of the work, materials, or
18 furniture of any courthouse or jail, or other public building, or
19 schoolhouse or church, or deface any of the walls or other parts
20 thereof, or shall write, or make any drawings or
21 character, or do any other act, either on or in said building or
22 the walls thereof, or shall deface or injure the trees, fences,
23 pavements, or soil, on the grounds belonging thereto, or an
24 ornamental or shade tree on any public road or street leading
25 thereto, such person, upon conviction, for such offense, shall be
26 punished as follows:

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

33 (b) If the damage caused by the destruction or
34 defacement of such property has a value equal to or exceeding
35 Three Hundred Dollars (\$300.00), any person who is convicted of
36 such offense shall be fined not more than Five Thousand Dollars
37 (\$5,000.00) or be imprisoned in the State Penitentiary for up to
38 five (5) years, or both.

39 **SECTION 3.** This act shall take effect and be in force from
40 and after July 1, 2007.