

By: Senator(s) Mettetal

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2312

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 subsection (1), a cemetery shall
18 mean any plot of ground (i) on which are grave markers of stone,
19 wood, metal or any other material recognizable as marking graves,
20 or (ii) the boundaries of which are defined by a recorded plat, a
21 fence line or corner markers, or trees, or are defined in any
22 other discernible manner.

23 (2) (a) Every person who shall knowingly and willfully dig
24 up, except as otherwise provided by law, or in any way desecrate
25 any corpse or remains of any human being, or cause through word,
26 deed or action the same to happen, shall upon conviction be guilty
27 of a felony and shall be imprisoned for not more than three (3)

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

30 (b) The prohibitions of this subsection (2) shall not
31 apply to the good faith harvesting of any organ for transplant or
32 to any good faith use of a cadaver or body part for medical or
33 scientific education or research.

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