



OLR RESEARCH REPORT

January 19, 2012

2012-R-0043

CEMETERY THEFT PENALTIES

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You asked what the penalties are for cemetery theft, particularly stolen items with historical value.

SUMMARY

Anyone who steals items from a cemetery could be charged with any or all of the following offenses:

1. interfering with a cemetery or burial ground ([CGS § 53a-218](#));
2. unlawful possession or sale of gravestones ([CGS § 53a-219](#));
3. interfering with a memorial plaque ([CGS § 53a-220](#));
4. unlawfully possessing, purchasing, or selling a memorial plaque ([CGS § 53a-221](#));
5. criminal mischief ([CGS §§ 53a-115 to -117a](#));
6. larceny ([CGS §§ 53a-122 to -125b](#)); or
7. conspiracy ([CGS § 53a-48](#)).

Depending on the value of the stolen items, the penalties for these offenses range from a class B felony (punishable by one to 20 years imprisonment, a fine of up to \$15,000, or both) down to a class C misdemeanor (up to three months imprisonment, a fine of up to \$500, or both).

One way for law enforcement to become aware of potential cemetery theft is from scrap metal processors and junk dealers who must immediately notify and give them the name and license plate number of anyone who is offering to sell certain historical items. Violators are subject to misdemeanor penalties ([CGS § 21-11a\(c\)](#)).

POTENTIAL OFFENSES/PENALTIES

Anyone who steals from a cemetery may be charged with any or all of the following crimes, depending on what is stolen and its value. The penalties do not increase for objects with historical value.

Interfering with a Cemetery or Burial Ground (CGS § 53a-218)

Anyone who (1) intentionally destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, or other structure designed as a memorial or (2) wantonly or maliciously disturbs the contents of a grave is guilty of this offense, unless he or she had authorization from certain designated people.

Violators are guilty of a class C felony, which is punishable by one to 10 years imprisonment, up to a \$10,000 fine (this offense requires a minimum fine of \$500), or both.

Unlawful Possession or Sale of Gravestones (CGS § 53a-219)

Anyone who knowingly possesses, sells, offers or attempts to sell, transfers, or disposes of any illegally removed monument, gravestone, or other structure designed as a memorial is guilty of this offense.

Violators are guilty of a class D felony, which is punishable by one to five years imprisonment, a fine of up to \$5,000, or both.

Interfering with a Memorial Plaque (CGS § 53a-220)

Someone is guilty of this offense if he or she (1) intentionally defaces, mutilates, or destroys a memorial plaque or (2) removes it from its official location without authorization from the governmental entity responsible for it.

This crime is a class A misdemeanor, punishable by up to one-year imprisonment, a fine of up to \$2,000, or both.

Unlawfully Possessing, Purchasing, or Selling a Memorial Plaque (CGS § 53a-221)

Anyone who knowingly possesses, purchases, attempts to purchase, sells, offers or attempts to sell, transfers, or disposes a illegally removed commemorative plaque is guilty of this offense.

Violators commit a class A misdemeanor.

Criminal Mischief (CGS §§ 53a-115 to -117)

Connecticut law creates three degrees of criminal mischief that could apply to cemetery theft. To be guilty of first or second degree criminal mischief, a person must intentionally damage another person’s property with no reasonable grounds. Table 1 shows the property damage amount and penalties for these offenses.

Table 1: First Two Degrees of Criminal Mischief

<i>Degree of Criminal Mischief</i>	<i>Amount of Property Damage</i>	<i>Classification</i>
First Degree	Over \$1,500	Class D felony
Second Degree	Over \$250	Class A misdemeanor

Third degree criminal mischief does not require an intentional act. The perpetrator need only recklessly or negligently damage someone else’s property to be guilty. Violators are guilty of a class B misdemeanor, which is punishable by up to six months imprisonment, a fine of up to \$1,000, or both.

Larceny (CGS §§ 53a-122 to -125b)

Larceny occurs when someone wrongfully acquires another person’s personal property. There are six degrees to this type of offense, for which the severity of the punishment increases with the value of the stolen property. Table 2 shows the larceny degrees with the corresponding property amounts and penalty classifications.

Table 2: Larceny Degrees

Degree of Larceny	Amount of Property Involved	Classification
First Degree	Over \$20,000	Class B felony
Second Degree	Over \$10,000	Class C felony
Third Degree	Over \$2,000	Class D felony
Fourth Degree	Over \$1,000	Class A misdemeanor
Fifth Degree	Over \$500	Class B misdemeanor
Sixth Degree	\$500 or less	Class C misdemeanor

Conspiracy (CGS § 53a-48)

If a person agrees with one or more people to engage in an illegal act and one of them commits an overt act to further the crime, all of them could be guilty of conspiracy.

By law, a conspiracy to commit a crime is a crime of the same grade and degree as the most serious offense that is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony (CGS § 53a-51).

Scrap Metal/Junk Dealer Reporting Requirement (CGS § 21-11a(c))

Scrap metal processors and junk dealers are required to notify and give local law enforcement the name and license plate number of anyone who is offering to sell a bronze statue, plaque, historical marker, cannon, cannon ball, bell, lamp, lighting fixture, lamp post, architectural artifact, or similar item.

Failure to report is a violation. The first violation is a class C misdemeanor, the second violation is a class B misdemeanor, and a subsequent violation is a class A misdemeanor.

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