
OLR Bill Analysis

SB 156

AN ACT CONCERNING THE DESECRATION OF PROPERTY LOCATED IN A CEMETERY.

SUMMARY:

This bill (1) expands the people who may authorize the desecration of property located in a cemetery or burial ground to include the deceased's surviving spouse and (2) prioritizes the order in which a person must seek the authorization.

It also reduces the penalty for interfering with a cemetery or burial ground without authorization from a class C felony to a class A misdemeanor.

EFFECTIVE DATE: October 1, 2014

INTERFERENCE WITH A CEMETERY OR BURIAL GROUND

Authorization

The bill adds the deceased's surviving spouse to those who may authorize a person to desecrate property located in a cemetery or burial ground. The law already allows the (1) owner of the burial lot; (2) deceased's lineal descendants; or (3) municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground to authorize such activities.

The bill also establishes the following order in which a person must ask for the authorization:

1. the burial lot's owner;
2. the deceased's surviving spouse;
3. the deceased's lineal descendants; or

4. the municipality, cemetery association, or person or authority responsible for the control or management of the cemetery or burial ground.

A lineal descendant is a person who has a direct line of relationship to an ancestor (e.g., children, grandchildren, great-grandchildren).

Penalty

By law, a person commits a crime when, without specified authorization, he or she:

1. intentionally destroys, mutilates, defaces, injures, or removes all or part of a tomb, monument, gravestone, or other structure placed or designed for a memorial, or any burial fence, railing, curb, or other enclosure, in or from any cemetery or burial ground or
2. wantonly or maliciously disturbs the contents of any tomb or grave in any cemetery or burial ground.

Under current law, performing these activities without authorization is a class C felony punishable by imprisonment of up to 10 years, a fine from \$ 500 to \$10,000, or both. The bill reduces the penalty to a class A misdemeanor, punishable by imprisonment of up to one year, a fine from \$ 500 to \$2,000, or both.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/10/2014)