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Act No. 30 (H.41). An act relating to abuse of the dead body of a person

Subjects: Crimes; homicide; abuse of a corpse

This act creates a new criminal law for abusing the dead body of a person, codified in 13 V.S.A. § 3761a, and modifies the law governing the unauthorized burial or removal of a dead body of a person under 18 V.S.A. § 5211 by making it a civil penalty.

Specifically, Sec. 1 of the act creates 13 V.S.A. § 3761a, which prohibits a person from, knowingly without legal authorization, intentionally burning, mutilating, disfiguring, dismembering, or destroying the dead body of a person. A person who violates this law commits a felony offense carrying a penalty of imprisonment of not more than five years, a fine of not more than \$5,000.00, or both.

This act also creates an enhanced felony penalty for those that violate subsection (a) of 13 V.S.A. § 3761a for the purpose of concealing a crime or avoiding apprehension, prosecution, or conviction of a crime. Additionally, the bill creates an enhanced penalty for committing sexual conduct upon the dead body of a person. Both of these violations carry an enhanced felony penalty of a maximum term of imprisonment of not more than 15 years, a fine of not more than \$10,000.00, or both.

Sec. 2 of the act amends 18 V.S.A. § 5211, which prohibits the unauthorized burial, removal, transportation, or entombment of a dead body of a person without a burial-transit permit. This act modifies the penalty for a violation of this statute by eliminating the criminal penalties from the law, including the penalties carrying a term of imprisonment of not more than five years, a fine of not more than \$1,000.00, or both, and replacing it with only a civil penalty of not more than \$1,000.00.

Effective Date: July 1, 2025