

H.41

Introduced by Representatives Burditt of West Rutland and Demar of
Enosburgh

Referred to Committee on

Date:

Subject: Crimes; homicide; abuse of a corpse

Statement of purpose of bill as introduced: This bill proposes to create a new
felony statute for an individual who abuses a corpse. Specifically, this bill
makes it a felony for an individual to transport or destroy a corpse without
legal authorization. Additionally, this bill creates an aggravated felony penalty
for actions taken against a corpse to conceal a crime or otherwise avoid the
consequences of the commission of a crime.

~~An act relating to creating a felony penalty for abuse of a corpse~~

An act relating to abuse of the dead body of a person

It is hereby enacted by the General Assembly of the State of Vermont:

~~Section 1. 13 V.S.A. § 2312 is added to read:~~

§ 2312. ABUSE OF A CORPSE

(a) A person is guilty of abuse of a corpse if the person, without legal
authorization, knowingly:

~~(1) transports, buries, or otherwise hides a corpse, or~~

1 ~~(2) burns, mutilates, disfigures, dismembers, or otherwise destroys a~~
2 ~~corpse.~~

3 (b) A person is guilty of aggravated abuse of a corpse if the person
4 intentionally:

5 (1) transports, buries, or otherwise hides a corpse to conceal a crime or
6 avoid apprehension, prosecution, or conviction of a crime;

7 (2) burns, mutilates, disfigures, dismembers, or otherwise destroys a
8 corpse to conceal a crime or avoid apprehension, prosecution, or conviction of
9 a crime; or

10 (3) perpetrates or attempts to perpetrate sexual assault against a corpse.

11 (c)(1) A person who commits the crime of abuse of a corpse shall be
12 imprisoned for not more than five years or fined not more than \$5,000.00, or
13 both.

14 (2) A person who commits the crime of aggravated abuse of a corpse
15 shall be imprisoned for not less than five years and a maximum term of 10
16 years and may be fined not more than \$10,000.00.

17 Sec. 2. EFFECTIVE DATE

18 ~~This act shall take effect on July 1, 2025.~~

Sec. 1. 13 V.S.A. § 3761a is added to read:

~~§ 3761a. ABUSE OF THE DEAD BODY OF A PERSON~~

~~(a) No person shall, knowingly without legal authorization, intentionally burn, mutilate, disfigure, dismember, or destroy the dead body of a person.~~

~~(b)(1) No person shall intentionally bury, transport, hide, conceal, burn, mutilate, disfigure, dismember, or destroy the dead body of a person for the purpose of concealing a crime or avoiding apprehension, prosecution, or conviction of a crime.~~

~~(2) No person shall commit sexual conduct upon the dead body of a person.~~

~~(c)(1) A person who violates subsection (a) of this section shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.~~

~~(2) A person who violates subsection (b) of this section shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both.~~

~~(d) As used in this section:~~

~~(1) "Dead body of a person" does not include the cremated remains of a person.~~

~~(2) "Sexual conduct" means any of the following committed against the dead body of a person:~~

~~(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva,~~

~~(B) any intrusion, however slight, by any part of an individual's body
or any object into any part of a dead human body with the intent of arousing,
appealing to, or gratifying the lust, passions, or sexual desire of any
individual;~~

~~(C) any touching of the dead human body with the intent of arousing,
appealing to, or gratifying the lust, passions, or sexual desire of any
individual;~~

~~(D) masturbation; or~~

~~(E) bestiality.~~

Sec. 2. 18 V.S.A. § 5211 is amended to read:

§ 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

*A person who buries, entombs, transports, or removes the dead body of a
person without a burial-transit permit so to do, or in any other manner or at
any other time or place than as specified in such permit, shall be imprisoned
not more than five years or fined not more than \$1,000.00, or both.*

Sec. 3. EFFECTIVE DATE

~~*This act shall take effect on July 1, 2025.*~~

Sec. 1. 13 V.S.A. § 3761a is added to read:

§ 3761a. ABUSE OF THE DEAD BODY OF A PERSON

*(a) No person shall, knowingly without legal authorization, intentionally
burn, mutilate, disfigure, dismember, or destroy the dead body of a person.*

(b) No person shall violate subsection (a) of this section for the purpose of concealing a crime or avoiding apprehension, prosecution, or conviction of a crime.

(c) No person shall commit sexual conduct upon the dead body of a person.

(d)(1) A person who violates subsection (a) of this section shall be imprisoned not more than five years or fined not more than \$5,000.00, or both.

(2) A person who violates subsection (b) or (c) of this section shall be imprisoned not more than 15 years or fined not more than \$10,000.00, or both.

(e) As used in this section:

(1) "Dead body of a person" does not include the cremated remains of a person.

(2) "Sexual conduct" means any of the following committed against the dead body of a person:

(A) any conduct involving contact between the penis and the vulva, the penis and the penis, the penis and the anus, the mouth and the penis, the mouth and the anus, the vulva and the vulva, or the mouth and the vulva;

(B) any intrusion, however slight, by any part of an individual's body or any object into any part of a dead human body with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any individual;

(C) any touching of the dead human body with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of any individual;

(D) masturbation; or

(E) bestiality.

Sec. 2. 18 V.S.A. § 5211 is amended to read:

§ 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

A person who buries, entombs, transports, or removes the dead body of a person without a burial-transit permit so to do, or in any other manner or at any other time or place than as specified in such permit, shall be imprisoned not more than five years or fined subject to a civil penalty of not more than \$1,000.00, or both.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2025.