

Senate proposal of amendment

H. 41

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

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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.