

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 41
3 entitled “An act relating to creating a felony penalty for abuse of a corpse”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 3761a. ABUSE OF THE DEAD BODY OF A PERSON

9 (a) An individual is guilty of abuse of a dead human body if the individual,
10 Abuse of the dead body of a person. No person shall knowingly, without legal
11 authorization, intentionally hides, burns, mutilates, disfigures, dismembers,
12 desecrates, or otherwise conceals or destroys a the dead human body of a
13 person.

14 (b) Aggravated abuse of the dead body of a person. An individual who
15 violates subsection (a) of this section is guilty of aggravated abuse of a dead
16 human body if the individual intentionally:

17 (1) hides, transports, buries, or otherwise conceals a dead human body
18 to conceal a crime or avoid apprehension, prosecution, or conviction of a
19 crime;

1 ~~(2) burns, mutilates, disfigures, dismembers, desecrates, or otherwise~~
2 ~~destroys a dead human body to conceal a crime or avoid apprehension,~~
3 ~~prosecution, or conviction of a crime; or~~

4 ~~(3) commits or attempts to commit sexual conduct against a dead human~~
5 ~~body.~~

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

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

12 (c) Penalties:

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

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

18 (d) As used in this section:

19 (1) “Dead body of a person” does not include the cremated remains of
20 an individual person.

1 (2) “Sexual conduct” means any of the following committed against a
2 dead human body:

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

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

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

11 (D) masturbation; or

12 (E) bestiality.

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

14 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

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

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2025.

21

1 and that after passage the title of the bill be amended to read: “An act relating
2 to abuse of the dead body of a person”

3

4 (Committee vote: _____)

5

6

Representative _____

7

FOR THE COMMITTEE