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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:

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

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

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

9 (D) masturbation; or

10 (E) bestiality.

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

12 § 5211. UNAUTHORIZED BURIAL OR REMOVAL; PENALTY

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

18 Sec. 3. EFFECTIVE DATE

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