

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 41
3 entitled “An act relating to abuse of the dead body of a person” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in 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) No person shall, knowingly without legal authorization, intentionally
10 burn, mutilate, disfigure, dismember, or destroy the dead body of a person.

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

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

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

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

19 (e) As used in this section:

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

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

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.

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7 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE