

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 227
PROPOSED COMMITTEE SUBSTITUTE H227-PCS70225-SA-49

Short Title: Disturbing/Dismembering Human Remains.

(Public)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR
DISMEMBERING HUMAN REMAINS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-401.22 reads as rewritten:

"§ 14-401.22. Concealment of death; disturbing human remains; dismembering human remains.

(a) Any person who, with the intent to conceal the death of a person, fails to notify a law enforcement authority of the death or secretly buries or otherwise secretly disposes of a dead human body is guilty of a Class I felony.

(b) Any person who aids, counsels, or abets any other person in concealing the death of a person is guilty of a Class A1 misdemeanor.

(c) Any person who willfully (i) disturbs, vandalizes, or desecrates human remains, by any means, including any physical alteration or manipulation of the human remains, or (ii) commits or attempts to commit upon any human remains any act of sexual penetration is guilty of a Class I felony. This subsection does not apply to:

(1) Acts by a first responder or others providing medical care.

(2) Acts committed as part of scientific or medical research, treatment, or diagnosis.

(3) Acts performed by a licensed funeral director or embalmer consistent with standard practice.

(4) Acts committed for the purpose of extracting body parts in accordance with usual and customary standards of medical practice.

(5) Acts by a professional archaeologist as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70 of the General Statutes.

(6) Acts committed for any other lawful purpose.

(d) Any person who attempts to conceal evidence of the death of another by knowingly and willfully dismembering or destroying human remains, by any means, including removing body parts or otherwise obliterating any portion thereof, shall be guilty of a Class H felony.

(e) Any person who violates subsection (d) of this section, knowing or having reason to know the human remains are of a person that did not die of natural causes, shall be guilty of a Class D felony.



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1 (f) As used in this section, "human remains" means any dead human body in any
2 condition of decay or any significant part of a dead human body, including any limb, organ, or
3 bone."

4 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
5 offenses committed on or after that date.