

## **CS/CS/CS/HB 107 – Criminal Offenses Involving Tombs and Memorials**

Amends s. 872.02, F.S., first reorganizing the definition of what constitutes “injuring or removing tomb or memorial” for the current unranked, 3<sup>rd</sup> degree felony (s. 872.02(1), F.S.). It also further defines the unranked, 2<sup>nd</sup> degree felony (s. 872.02(2), F.S.) as someone “who willfully and knowingly excavates, exposes, moves, removes, or otherwise disturbs the contents of a grave or tomb.”

The bill elaborates on current exceptions for both of these felonies. An exception to the 3<sup>rd</sup> degree felony applies to “a person performing routine maintenance and upkeep.” Furthermore, exceptions for both felonies are added for “any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster.” Additionally, “an owner, officer, employee, or agent of a cemetery exempt from regulation pursuant to s. 497.260 may relocate the contents of a grave or tomb” after “receiving a written authorization from a legally authorized person as defined in s. 497.005(43),” or after “public notice is posted as required in this paragraph, if a legally authorized person cannot be located after conducting a reasonable search or after 75 years or more have elapsed since the date of entombment, interment, or inurnment.” The public notice must be published once a week for four consecutive weeks, and the proposed date of relocation cannot not be less than 30 days from the date of last publication. If there are no objections received within those thirty days, the cemetery can proceed with relocation without committing a felony violation. If there are objections from a legally authorized person, a public hearing will be held before the city council or county commission, which will have sole authority to grant a request for relocation.

Per DOC, in FY 15-16, there were no offenders sentenced under s. 872.02(1), F.S. There was 1 (adj.) offender sentenced under s. 872.02(2), F.S. and that offender was not sentenced to prison. It is unknown if this offender would have been affected by this law.

**EDR RECOMMENDATION AFTER FINAL PASSAGE: Positive  
Insignificant**

**Requested by: House**