

CS/SB 844 – Criminal Offenses Involving Tombs and Memorials

Amends s. 872.02, F.S., first adding to the definition of what constitutes “injuring or removing tomb or monument” for the current unranked, 3rd degree felony (s. 872.02(1), F.S.), including “approved structure” and “approved thing” placed or designed for a memorial of the dead that cannot be destroyed, mutilated, defaced, injured, or removed. It also adds an exception for people performing routine maintenance and upkeep. Furthermore, defines the unranked, 2nd 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 further elaborates on current exceptions for both of these felonies. These exceptions apply to “any cemeteries removing or relocating the contents of a grave or tomb as a response to a natural disaster.” Furthermore, they apply to “an owner, officer, employee, or agent of a cemetery exempt from regulation,” who “may relocate the contents of a grave or tomb” if they receive “a written and signed contract between the owner and a legally authorized person;” “a legally authorized person cannot be located after a reasonable search;” or 75 years or more elapsed since the date of entombment, interment, or inurnment, a public notice is posted once a week for four consecutive weeks, and the date of relocation is not less than 30 days from the date of last publication. If there is no objection from a legally authorized person within those thirty days, the cemetery can proceed with relocation without committing a felony violation. If there is an objection 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.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate