

CS/CS/HB 107 – Criminal Offenses Involving Tombs and Memorials (Identical SB 844)

Amends s. 872.02, F.S., first reorganizing the definition of what constitutes “injuring or removing tomb or memorial” for the current unranked, 3rd degree felony (s. 872.02(1), F.S.). It also further 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 tomb.”

The bill elaborates on current exceptions for both of these felonies. These exceptions apply to an “an operator of an exempt cemetery who is conducting ordinary maintenance.” Furthermore, they apply to “an operator of an exempt cemetery who relocates a memorial, a tomb, or the contents of a tomb to another plot or site if” they have written permission from a legally authorized person or a court order; a natural disaster causes damage which necessitates relocation; or, more than 75 years elapsed since the date of entombment or inurnment, the operator of the exempt cemetery publishes a public notice 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 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.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House