

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 227
Committee Substitute Favorable 6/1/11

Short Title: Disturbing/Dismembering Human Remains. (Public)

Sponsors:

Referred to:

March 3, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR
3 DISMEMBERING HUMAN REMAINS.

4 The General Assembly of North Carolina enacts:

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

6 "§ 14-401.22. Concealment of ~~death~~; disturbing human remains; dismembering
7 human remains.

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

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

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

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

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

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

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

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

26 (6) Acts committed for any other lawful purpose.

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

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

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



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