

ACT No. 2010 - 723

1 SB71
2 115299-3
3 By Senator Mitchell
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10
6 PFD: 01/04/2010



1 SB71

2
3
4 ENROLLED, An Act,

5 To amend Section 13A-7-23.1, Code of Alabama 1975,
6 relating to the crime of desecration or defacement of certain
7 memorials and to provide exemptions; and in connection
8 therewith would have as its purpose or effect the requirement
9 of a new or increased expenditure of local funds within the
10 meaning of Amendment 621 of the Constitution of Alabama of
11 1901, now appearing as Section 111.05 of the Official
12 Recompilation of the Constitution of Alabama of 1901, as
13 amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 13A-7-23.1, Code of Alabama 1975,
16 is amended to read as follows:

17 "§13A-7-23.1.

18 "(a) Any person who willfully or maliciously
19 injures, defaces, removes, or destroys any tomb, monument,
20 gravestone , burial mound, earthen or shell monument
21 containing human skeletal remains or associated burial
22 artifacts, or other structure or thing placed or designed for
23 a memorial of the dead, or any fence, railing, curb, or any
24 enclosure for the protection or ornamentation of any tomb,
25 monument, gravestone, burial mound, earthen or shell monument

1 containing human skeletal remains or associated burial
2 artifacts, or other structure before mentioned, or for any
3 enclosure for the burial of the dead, or any person who
4 willfully and wrongfully or maliciously destroys, removes,
5 cuts, breaks, or injures any tree, shrub, plant, flower,
6 decoration, or other real or personal property within any
7 cemetery or graveyard shall be guilty of a Class A
8 misdemeanor.

9 "(b) Any person who willfully or maliciously
10 desecrates, injures, defaces, removes, or destroys any tomb,
11 monument, structure, or container of human remains, burial
12 mound, earthen or shell monument containing human skeletal
13 remains or associated burial artifacts, and invades or
14 mutilates the human corpse or remains shall be guilty of a
15 Class C felony and upon conviction the person shall be
16 punished as provided by law.

17 "(c) The provisions of subsections (a) and (b) shall
18 not apply to any person holding a permit issued by the Alabama
19 Historical Commission pursuant to subsection (d), to anyone
20 operating a cemetery under standard rules and regulations and
21 maintenance procedures, or to any person otherwise authorized
22 by law to remove or disturb a tomb, monument, grave marker,
23 burial mound, earthen or shell monument, or similar structure,
24 or its contents, as described in subsections (a) and (b), nor

1 shall the provisions of subsections (a) and (b) apply to any
2 person authorized to take any action on municipal property.

3 "(d) The Alabama Historical Commission, to provide
4 for the lawful preservation, investigation, restoration, or
5 relocation of human burial remains, human skeletal remains, or
6 funerary objects, shall promulgate rules and regulations for
7 the issuance of a permit and may issue a permit to persons or
8 companies who seek to restore, preserve, or relocate human
9 burial remains, human skeletal remains, funerary objects, or
10 otherwise disturb, a place of burial."

11 Section 2. Although this bill would have as its
12 purpose or effect the requirement of a new or increased
13 expenditure of local funds, the bill is excluded from further
14 requirements and application under Amendment 621, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended, because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Jim Johnson

President and Presiding Officer of the Senate

McDowell Lee

Speaker of the House of Representatives

SB71
Senate 17-FEB-10
I hereby certify that the within Act originated in and passed
the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 21-APR-10

Senate concurred in House amendment 22-APR-10

By: Senator Mitchell

APPROVED April 30, 2010

TIME 7:45 a.m.
Bob Riley
GOVERNOR

Alabama Secretary Of State

Act No.: 2010-723
Bill Num.: SB71

Rec'd 04/30/10 10:26amJJB