

1 probation under G.S. 15A-1343(b)(6) as an alternative to actual imposition of a fine, jail
2 term, or both."

3 **SECTION 2.** G.S. 14-149 reads as rewritten:

4 "**§ 14-149. Desecrating, plowing over or covering up graves.**

5 (a) It is a Class I felony, without authorization of law or the consent of the
6 surviving spouse or next of kin of the deceased, to knowingly and willfully:

7 (1) Open, disturb, destroy, remove, vandalize or desecrate any ~~easket,~~
8 ~~human remains-casket~~ or any portion thereof or the repository of any
9 ~~such-human~~ remains, by any means including plowing under, tearing
10 up, covering over or otherwise obliterating or removing any grave;

11 (1a) Take away, disturb, vandalize, destroy, tamper with, or deface any
12 tombstone, headstone, monument, grave marker, grave ornamentation,
13 or grave artifacts within any cemetery erected or placed to designate
14 the place where human remains are interred or to preserve and
15 perpetuate the memory and the name of any person;

16 (2) Take away, vandalize or destroy any stone, brick, iron or other
17 material or fence enclosing a cemetery, causing damage of more than
18 one thousand dollars (\$1,000); or

19 (3) Take away, disturb, vandalize, ~~destroy or defaced~~destroy, or tamper
20 with any ~~tombstone, headstone, monument, grave marker, grave~~
21 ~~ornamentation, grave artifacts,~~ shrubbery, flowers, plants or other
22 articles within any cemetery erected or placed to designate the place
23 where ~~any dead body is~~human remains are interred or to preserve and
24 perpetuate the memory and the name of any person, causing damage of
25 more than one thousand dollars (\$1,000).

26 (a1) It is a Class H felony, without authorization of law or the consent of the
27 surviving spouse or next of kin of the deceased, to knowingly and willfully disturb,
28 destroy, remove, vandalize, or desecrate any human remains that have been interred in a
29 cemetery.

30 (b) The provisions of this section shall not apply to a professional archaeologist
31 as defined in G.S. 70-28(4) acting pursuant to the provisions of Article 3 of Chapter 70
32 of the General Statutes."

33 **SECTION 3.** Sections 1 and 2 of this act become effective December 1,
34 2007, and apply to offenses committed on or after that date. The remainder of this act is
35 effective when it becomes law.