

2C:22-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 127
NJSA: 2C:22-1 (Criminalizes desecration of human remains)
BILL NO: A2378 (Substituted for S1840)

SPONSOR(S): Sarlo and Van Drew

DATE INTRODUCED: June 6, 2002

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** October 7, 2002

SENATE: November 14, 2002

DATE OF APPROVAL: December 20, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2378

[SPONSORS STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENTS:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S1840

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes
Bill and Sponsors Statement identical to A2378

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes
Identical to Assembly Statement to A2378

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2002, CHAPTER 127, *approved December 20, 2002*
Assembly, No. 2378 (*Second Reprint*)

1 AN ACT concerning the desecration of human remains and
2 supplementing Title 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. A person commits a crime of the second degree if he:

8 (1) ¹[Unlawfully disturbs, moves or conceals human remains;

9 (2)]¹ ²Unlawfully disturbs, moves or conceals human remains;

10 (2)² Unlawfully desecrates, damages or destroys human remains;

11 or

12 ¹[(3)]²[(2)¹](3)² Commits an act of sexual penetration or sexual
13 contact, as defined in N.J.S.2C:14-1, upon human remains.

14 b. A person commits a crime of the third degree if he
15 ²[¹unlawfully disturbs, moves or conceals human remains or]²
16 purposely or knowingly fails to dispose of human remains in a manner
17 required by law.

18 c. As used in this act, "human remains" means the body of a
19 deceased person or the dismembered part of a body of a living person
20 but does not include cremated remains.

21 d. Nothing in this section shall be construed to apply to any act
22 performed in accordance with law, including but not limited to the
23 "State Medical Examiner Act," P.L.1967, c.234 (C.52:17B-78 et al.);
24 the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 seq.); the
25 provisions of chapters 6 and 7 of Title 26 of the Revised Statutes
26 concerning disposal of dead bodies and cremation; the "New Jersey
27 Cemetery Act," N.J.S.8A:1-1 et seq.; a criminal investigation
28 conducted by a law enforcement authority; or an order of a court of
29 competent jurisdiction or other appropriate legal authority. ¹Nothing
30 in this section shall be construed to criminalize any good faith action
31 involving interment or disinterment which disturbs, moves, conceals,
32 desecrates, damages or destroys human remains.¹

33

34 2. This act shall take effect immediately.

35

36

37

38 Criminalizes desecration of human remains.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted September 12, 2002.

² Assembly floor amendments adopted September 23, 2002.

ASSEMBLY, No. 2378

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 6, 2002

Sponsored by:

Assemblyman PAUL SARLO

District 36 (Bergen, Essex and Passaic)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblyman McKeon

SYNOPSIS

Criminalizes desecration of human remains.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2002)

1 AN ACT concerning the desecration of human remains and
2 supplementing Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1.a. A person commits a crime of the second degree if he:
8 (1) Unlawfully disturbs, moves or conceals human remains;
9 (2) Unlawfully desecrates, damages or destroys human remains; or
10 (3) Commits an act of sexual penetration or sexual contact, as
11 defined in N.J.S.2C:14-1, upon human remains.

12 b. A person commits a crime of the third degree if he purposely or
13 knowingly fails to dispose of human remains in a manner required by
14 law.

15 c. As used in this act, "human remains" means the body of a
16 deceased person or the dismembered part of a body of a living person
17 but does not include cremated remains.

18 d. Nothing in this section shall be construed to apply to any act
19 performed in accordance with law, including but not limited to the
20 "State Medical Examiner Act," P.L.1967, c.234 (C.52:17B-78 et al.);
21 the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 seq.); the
22 provisions of chapters 6 and 7 of Title 26 of the Revised Statutes
23 concerning disposal of dead bodies and cremation; the "New Jersey
24 Cemetery Act," N.J.S.8A:1-1 et seq.; a criminal investigation
25 conducted by a law enforcement authority; or an order of a court of
26 competent jurisdiction or other appropriate legal authority.

27
28 2. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill would criminalize the desecration of human remains.
34 Currently, N.J.S.A.2C:17-3, Criminal Mischief, provides that it is a
35 crime of the third degree to tamper with a grave, crypt, mausoleum or
36 other site where remains are stored or interred, with purpose to
37 desecrate, destroy or steal the remains or any part thereof. In
38 addition, N.J.S.A.2C:20-2, Theft, provides that it is a crime of the
39 second degree to steal human remains or any part thereof.

40 Under this bill, it would also be a crime of the second degree to
41 unlawfully disturb, move or conceal human remains; to desecrate,
42 damage or destroy human remains; or to commit an act of sexual
43 penetration or sexual contact as defined in N.J.S.2C:14-1 upon human
44 remains.

1 The bill would make it a crime of the third degree to purposely or
2 knowingly fail to dispose of human remains in a manner required by
3 law.

4 A crime of the second degree is punishable by a term of five to ten
5 years or a fine up to \$150,000, or both; a crime of the third degree, by
6 a term of three to five years or a fine up to \$15,000, or both.

7 The bill specifically provides that it is not to be construed to apply
8 to any act performed in accordance with law, including but not limited
9 to the "State Medical Examiner Act," P.L.1967, c.234 (C.52:17B-78
10 et al.); the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 seq.);
11 the provisions of chapters 6 and 7 of Title 26 of the Revised Statutes
12 concerning disposal of dead bodies and cremation; the "New Jersey
13 Cemetery Act," N.J.S.8A:1-1 et seq.; a criminal investigation
14 conducted by law enforcement authorities; or an order of a court of
15 competent jurisdiction or any other appropriate legal authority.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2378

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2002

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2378.

This bill would criminalize the desecration of human remains. Currently, N.J.S.A.2C:17-3, Criminal Mischief, provides that it is a crime of the third degree to tamper with a grave, crypt, mausoleum or other site where remains are stored or interred, with purpose to desecrate, destroy or steal the remains or any part thereof. In addition, N.J.S.A.2C:20-2, Theft, provides that it is a crime of the second degree to steal human remains or any part thereof.

Under this bill, it would be a crime of the second degree to unlawfully disturb, move or conceal human remains; to desecrate, damage or destroy human remains or to commit an act of sexual penetration or sexual contact upon human remains.

The bill would make it a crime of the third degree to purposely or knowingly fail to dispose of human remains in a manner required by law.

A crime of the second degree is punishable by a term of five to ten years or a fine up to \$150,000, or both; a crime of the third degree, by a term of three to five years or a fine up to \$15,000, or both.

The bill specifically provides that it is not to be construed to apply to any act performed in accordance with law, including but not limited to the "State Medical Examiner Act," P.L.1967, c.234 (C.52:17B-78 et al.); the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 seq.); the provisions of chapters 6 and 7 of Title 26 of the Revised Statutes concerning disposal of dead bodies and cremation; the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq.; a criminal investigation conducted by law enforcement authorities; or an order of a court of competent jurisdiction or any other appropriate legal authority.

COMMITTEE AMENDMENTS:

Committee amendments to the bill:

(1) Make it a crime of the second degree to unlawfully desecrate, damage or destroy human remains or commit an act of sexual penetration or sexual contact upon remains. The amendments delete subparagraph (1) of subsection a. which made it a crime of the second

degree to unlawfully disturb, move or conceal human remains. As amended, this offense becomes a crime of the third degree.

(2) Insert new language in subsection b. which makes it a crime of the third degree to unlawfully disturb, move or conceal human remains or to purposely or knowingly fail to dispose of human remains in a manner required by law.

(3) Clarify that nothing in this act should be construed to criminalize any good faith action involving interment or disinterment which disturbs, moves, conceals, desecrates, damages or destroys human remains.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2378

STATE OF NEW JERSEY

DATED: OCTOBER 28, 2002

The Senate Judiciary Committee reports favorably Assembly Bill No. 2378 (2R).

This bill would criminalize the desecration of human remains. Currently, N.J.S.A.2C:17-3, Criminal Mischief, provides that it is a crime of the third degree to tamper with a grave, crypt, mausoleum or other site where remains are stored or interred, with purpose to desecrate, destroy or steal the remains or any part thereof. In addition, N.J.S.A.2C:20-2, Theft, provides that it is a crime of the second degree to steal human remains or any part thereof.

Under this bill, it would also be a crime of the second degree to unlawfully desecrate, damage or destroy human remains or commit an act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1 upon human remains. The bill would make it a crime of the third degree to unlawfully disturb, move or conceal human remains or to purposely or knowingly fail to dispose of human remains in a manner required by law.

The committee amended the bill to upgrade to a crime of the second degree the act of unlawfully disturbing, moving or concealing human remains. The only third degree offense remaining in the bill would be if a person purposely or knowingly fails to dispose of human remains in a manner required by law.

A crime of the second degree is punishable by a term of five to ten years or a fine up to \$150,000, or both; a crime of the third degree, by a term of three to five years or a fine up to \$15,000, or both.

The bill specifically provides that it is not to be construed to apply to any act performed in accordance with law, including but not limited to the "State Medical Examiner Act," P.L.1967, c.234 (C.52:17B-78 et al.); the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 seq.); the provisions of chapters 6 and 7 of Title 26 of the Revised Statutes concerning disposal of dead bodies and cremation; the "New Jersey Cemetery Act," N.J.S.8A:1-1 et seq.; a criminal investigation conducted by law enforcement authorities; or an order of a court of competent jurisdiction or any other appropriate legal authority. Nor

does it criminalize any good faith action involving interment or disinterment which disturbs, moves, conceals, desecrates, damages or destroys human remains.

This bill is identical to Senate, No. 1840 (1R).

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2378

with Assembly Floor Amendments
(Proposed By Assemblyman SARLO)

ADOPTED: SEPTEMBER 23, 2002

These floor amendments would restore the original language of the bill, prior to its committee amendments. As introduced, this bill made it a crime of the second degree to unlawfully disturb, move or conceal human remains; to desecrate, damage or destroy human remains or to commit an act of sexual penetration or sexual contact upon human remains. The committee amendments downgraded the act of unlawfully disturbing, moving or concealing human remains to a crime of the third degree.

These amendments provide that the only third degree offense remaining in the bill would be if a person purposely or knowingly fails to dispose of human remains in a manner required by law.