

Senate Bill 474

By: Senators Mullis of the 53rd, Hamrick of the 30th, Thompson of the 33rd, Tanksley of the 32nd, Marable of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated,
2 relating to offenses relative to the treatment of dead bodies, so as to provide that it shall be
3 abuse of a dead body to treat a dead body in a manner inconsistent with community or
4 professional standards or in a manner known to outrage ordinary family sensibilities or to
5 disinter a body which had been legally interred; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 21 of Title 31 of the Official Code of Georgia Annotated, relating to
10 offenses relative to the treatment of dead bodies, is amended by striking in its entirety Code
11 Section 31-21-44.1, relating to the abuse of a dead body, and inserting in lieu thereof the
12 following:

13 "31-21-44.1.

14 (a)(1) A person commits the offense of abuse of a dead body if, prior to interment and
15 except as otherwise authorized by law, such person willfully defaces a dead body while
16 the dead body is lying in state or is prepared for burial, showing, or cremation whether
17 in a funeral establishment, place of worship, home, or other facility for lying in state or
18 at a grave site. The lawful presence of the offender at a place where the dead body is
19 abused shall not be a defense to a prosecution under this Code section.

20 (2) A person who is providing care to another person, other than in a hospital, either on
21 a permanent or temporary basis, shall, upon the death of such person while in such
22 person's care, be required to notify a local law enforcement agency or coroner or a
23 relative of such deceased person within six hours of the discovery of the death of such
24 person. Any person who intentionally violates the provisions of this paragraph shall
25 commit the offense of abuse of a dead body.

1 (3) A person commits the offense of abuse of a dead body when, without legal privilege,
2 he or she:

3 (A) Treats a dead body in a manner not recognized by generally accepted standards of
4 the community;

5 (B) Is a member of a profession which normally places him or her in contact with dead
6 bodies, and he or she treats a dead body in a manner not generally accepted as suitable
7 practice by other members of the profession;

8 (C) Knowingly and willfully treats a dead body in a way that he or he knows would
9 outrage ordinary family sensibilities; or

10 (D) Disinters a body which has been legally interred.

11 (b) Any person who violates subsection (a) of this Code section shall be guilty of a felony
12 and shall be punished by imprisonment for not less than one nor more than three years.
13 Each instance of abuse of a dead body shall constitute a separate offense."

14 **SECTION 2.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law
16 without such approval.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.