

The Senate Veterans and Consumer Affairs Committee offered the following substitute to SB 474:

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 human body to treat a dead human body in a manner inconsistent with
4 community or professional standards or in a manner known to outrage ordinary family
5 sensibilities or to disinter a body which had been legally interred; to provide for legitimate
6 medical or scientific use; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 "31-21-44.1.

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

22 (2) A person who is providing care to another person, other than in a hospital, either on
23 a permanent or temporary basis, shall, upon the death of such person while in such
24 person's care, be required to notify a local law enforcement agency or coroner or a
25 relative of such deceased person within six hours of the discovery of the death of such

1 person. Any person who intentionally violates the provisions of this paragraph shall
2 commit the offense of abuse of a dead human body.

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

5 (A) Treats a dead human body in a manner not recognized by generally accepted
6 standards of the community;

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

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

12 (D) Fails to inter, cremate, or refrigerate a dead human body within 72 hours after
13 taking custody of such dead human body; or

14 (E) Disinters a body which has been legally interred.

15 (b) Any person who violates subsection (a) of this Code section shall be guilty of a felony
16 and shall be punished by imprisonment for not less than one nor more than three years.

17 Each instance of abuse of a dead human body shall constitute a separate offense.

18 (c) Nothing in this Code section shall be construed so as to limit the use of a dead human
19 body for legitimate medical training or scientific purposes."

20 SECTION 2.

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

23 SECTION 3.

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