

**HOUSE BILL NO. 187**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES WHITAKER, Wilson**

**Introduced: 3/15/01**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the destruction, desecration, and vandalism of cemeteries and**  
2 **graves."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 11.46.482(a) is amended to read:

5 (a) A person commits the crime of criminal mischief in the second degree if,  
6 having no right to do so or any reasonable ground to believe the person has such a  
7 right,

8 (1) with intent to damage property of another, the person damages  
9 property of another in an amount of \$500 or more;

10 (2) the person tampers with an oil or gas pipeline or supporting facility  
11 or an airplane or helicopter with reckless disregard for the risk of harm to or loss of the  
12 property; or

13 (3) the person recklessly creates a risk of damage in an amount  
14 exceeding \$100,000 to property of another by the use of widely dangerous means; [.]

1 (4) [REPEALED]

2 (5) [REPEALED]

3 **(6) the person knowingly**

4 **(A) defaces, damages, or desecrates a cemetery or the**  
5 **contents of a cemetery or a tomb, grave, or memorial regardless of**  
6 **whether the tomb, grave, or memorial is in a cemetery or whether the**  
7 **cemetery, tomb, grave, or memorial appears to be abandoned, lost, or**  
8 **neglected;**

9 **(B) removes human remains or associated burial artifacts**  
10 **from a cemetery, tomb, grave, or memorial regardless of whether the**  
11 **cemetery, tomb, grave, or memorial appears to be abandoned, lost, or**  
12 **neglected.**

13 \* **Sec. 2.** AS 11.46.482 is amended by adding new subsections to read:

14 (c) It is an affirmative defense to a prosecution under (a)(6) of this section that  
15 the defendant, at the time of the offense, was

16 (1) an employee of the cemetery and was engaged in an authorized  
17 activity on behalf of the cemetery; or

18 (2) authorized by law to engage in the conduct.

19 (d) In this section,

20 (1) "contents of a cemetery" includes anything that is designed or used  
21 for the protection, security, or ornamentation of a cemetery and that is located within a  
22 cemetery;

23 (2) "memorial" means a headstone, marker, gravestone, monument, or  
24 other object designed or intended to mark a gravesite or to memorialize the death of a  
25 person;

26 (3) "tomb" means a mausoleum, columbarium, or crypt, whether that  
27 mausoleum, columbarium, or crypt is located above or below ground.

28 \* **Sec. 3.** AS 41.35.200(c) is repealed.