

CHAPTER 127

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

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

C.2C:22-1 Disturbing, desecrating human remains; offenses.

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

- (1) Unlawfully disturbs, moves or conceals human remains;
- (2) Unlawfully desecrates, damages or destroys human remains; or

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

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

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

d. Nothing in this section shall 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 et 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 a law enforcement authority; or an order of a court of competent jurisdiction or other appropriate legal authority. Nothing in this section shall be construed to criminalize any good faith action involving interment or disinterment which disturbs, moves, conceals, desecrates, damages or destroys human remains.

2. This act shall take effect immediately.

Approved December 20, 2002.