

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/12/03 H3/28/03

A Bill

HOUSE BILL 2263

5 By: Representative Pace
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For An Act To Be Entitled

8 AN ACT TO PROTECT CEMETERIES FROM DESECRATION AND
9 DISPLACEMENT; TO PROVIDE FUNDS FOR UPKEEP OF
10 CEMETERIES; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO PROTECT CEMETERIES FROM
13 DESECRATION AND DISPLACEMENT AND TO
14 PROVIDE FUNDS FOR UPKEEP OF CEMETERIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-39-211(a), concerning unlawful mining and
22 entries into cemeteries, is amended to read as follows:

23 (a) It shall be unlawful for any corporation, company, or individual
24 to:

25 (1) Mine, extract, or remove coal or any other mineral ~~or~~
26 substance from under, ~~or~~ beneath, or within fifty (50) feet of the boundary
27 of any cemetery, graveyard, or burying place in this state;

28 (2) Make, place, or drive any slope, pit, or entry of any kind
29 into, under, through, or across any cemetery, graveyard, or other burying
30 place in this state.
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32 SECTION 2. Arkansas Code § 5-39-212 is amended to read as follows:

33 5-39-212. Cemeteries - Access - Debris - Disturbance.

34 (a)(1) It shall be unlawful for any person, firm, corporation,
35 partnership, or association to construct any fence on any property in such
36 manner as to enclose any cemetery unless ~~suitable~~ reasonable access by



1 automobile to the cemetery is provided by gate or otherwise. ~~The word~~
 2 ~~"cemetery", as used in this subsection, is not intended to apply to any~~
 3 ~~private family burial plot which contains fewer than six (6) commercial grave~~
 4 ~~markers and has not been used for burial purposes for at least twenty-five~~
 5 ~~(25) years and which has not had an access road to the burial plot for at~~
 6 ~~least thirty (30) years.~~

7 (2) Nothing in this section prohibits the placement of a fence
 8 around any cemetery for the purpose of defining boundaries or protection of
 9 grave sites, if all fences and gates are sufficiently maintained;.

10 (b)(1) Any person, firm, corporation, partnership, or association
 11 violating any of the provisions of this section shall be guilty of a
 12 misdemeanor and upon conviction shall be fined in any sum not less than ten
 13 dollars (\$10.00) nor more than one hundred dollars (\$100), and every day that
 14 the violation shall exist shall be a separate offense.

15 (2) Fines collected shall be used by the local government toward
 16 upkeep, maintenance, and administrative costs of abandoned cemeteries.

17 (c) As used in this section, "cemetery" means any burying place for
 18 the dead, a burial plot, or a graveyard on any land, public or private, that
 19 includes one (1) or more grave sites, whether marked or unmarked, by
 20 commercial or native stone.

21
 22 SECTION 3 . Arkansas Code § 5-39-401 is amended to read as follows:

23 5-39-401. Destruction or removal.

24 It is unlawful for any person, corporation, company, or other legal
 25 entity to destroy or carry away any cemetery marker or grave marker.

26
 27 SECTION 4. Arkansas Code § 5-71-215(a), concerning defacing of objects
 28 of public respect, is amended to read as follows:

29 5-71-215. Defacing objects of public respect.

30 (a) A person commits the offense of defacing objects of public respect
 31 if he purposely:

32 (1) Defaces, mars, or otherwise damages any public monument;

33 (2) Defaces, mars, or otherwise damages a work of art on display
 34 in any public place; ~~or~~

35 (3) Defaces, mars, desecrates, or otherwise damages any place of
 36 worship, cemetery, or burial monument; or

