

SECOND REGULAR SESSION

HOUSE BILL NO. 1968

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURGER.

3516H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 214.131, 214.455, and 574.085, RSMo, and to enact in lieu thereof three new sections relating to damage to certain property, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 214.131, 214.455, and 574.085, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 214.131, 214.455, and 574.085,
3 to read as follows:

214.131. Every person who shall knowingly destroy, mutilate, disfigure, deface,
2 injure or remove any tomb, monument or gravestone, or other structure placed in any
3 abandoned family cemetery or private burying ground, or any fence, railing, or other work for
4 the protection or ornamentation of any such cemetery or place of burial of any human being,
5 or tomb, monument or gravestone, memento, or memorial, or other structure aforesaid, or of
6 any lot within such cemetery is guilty of a class ~~[A misdemeanor]~~ **E felony**. For the purposes
7 of this section and subsection 1 of section 214.132, an "abandoned family cemetery" or
8 "private burying ground" shall include those cemeteries or burying grounds which have not
9 been deeded to the public as provided in chapter 214, and in which no body has been interred
10 for at least twenty-five years.

214.455. Every person who shall knowingly destroy, mutilate, disfigure, deface,
2 injure, or remove any tomb, monument, or gravestone, or other structure placed in such
3 cemetery or burial ground or place of burial of any human being, is guilty of a class ~~[A~~
4 ~~misdemeanor]~~ **E felony**.

574.085. 1. A person commits the offense of institutional vandalism if he or she
2 knowingly vandalizes, defaces, or otherwise damages:

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 (1) Any church, synagogue or other building, structure or place used for religious
4 worship or other religious purpose;

5 (2) Any cemetery, mortuary, military monument or other facility used for the purpose
6 of burial or memorializing the dead;

7 (3) **Any monument, marker, statue, plaque, or any other installation that**
8 **recognizes historical persons, groups, or events that is located in a public place;**

9 (4) Any school, educational facility, community center, hospital or medical clinic
10 owned and operated by a religious or sectarian group;

11 [~~(4)~~] (5) The grounds adjacent to, and owned or rented by, any institution, facility,
12 building, structure or place described in subdivision (1), (2), or [~~(3)~~] (4) of this subsection;

13 [~~(5)~~] (6) Any personal property contained in any institution, facility, building,
14 structure or place described in subdivision (1), (2), or [~~(3)~~] (4) of this subsection;

15 [~~(6)~~] (7) Any motor vehicle which is owned, operated, leased or under contract by a
16 school district or a private school for the transportation of school children; or

17 [~~(7)~~] (8) Any public monument or structure on public property owned or operated by
18 a public entity.

19 2. (1) **Except as provided under subdivision (2) of this subsection**, the offense of
20 institutional vandalism is a class A misdemeanor, unless the value of the property damage is
21 seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value
22 of the property damage is more than five thousand dollars, in which case the offense is a class
23 D felony.

24 (2) **The offense of institutional vandalism under subdivision (3) of subsection 1 of**
25 **this section is a class E felony.**

26 3. In determining the amount of damage to property, for purposes of this section,
27 damage includes the cost of repair or, where necessary, replacement of the property that was
28 damaged.

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