
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2131 Session of
1988

INTRODUCED BY STUBAN, JAROLIN, SHOWERS, PHILLIPS, HASAY AND
DIETTERICK, JANUARY 27, 1988

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 27, 1988

AN ACT

1 Providing for the preservation of ancient burial places and
2 tombs, monuments and gravestones; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Ancient
7 Burial Places Preservation Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Ancient burial place." A tract of land within a
13 municipality that has been used or has been in existence as a
14 burial ground for more than 100 years.

15 "Burial ground authority." A municipality, ecclesiastical
16 society, cemetery association or other entity that has charge of
17 an ancient burial place.

1 Section 3. Restriction on alienation and use of ancient burial
2 places.

3 No municipality shall alienate an ancient burial place or
4 appropriate an ancient burial place to any use other than that
5 of a burial ground. No portion of any ancient burial place shall
6 be taken for public use without the approval of the General
7 Assembly. If any ancient burial place is appropriated for any
8 other use and the bodies buried in the ancient burial place or
9 the monuments, gravestones or other memorials are removed, the
10 burial ground authority shall preserve a record of the removal
11 indicating the date of the removal and the site or place to
12 which the removal was made.

13 Section 4. Restrictions on removal of tombs, monuments, etc.

14 (a) General rule.--No fence, tomb, monument or gravestone or
15 fragment thereof within an ancient burial place shall be
16 destroyed. No fence, tomb, monument or gravestone or fragment
17 thereof within any ancient burial place shall be removed except
18 in accordance with the provisions of this section.

19 (b) Procedure or lawful removal.--A gravestone or other
20 memorial for the dead may be removed for the purpose of repair
21 or replacement, reproduction or preservation and display in an
22 accredited museum with:

23 (1) the consent of the owner of the burial lot in which
24 the gravestone or memorial is placed or the consent of a
25 lineal descendant of the deceased or, if such owner or lineal
26 descendant is unknown, the consent of the burial ground
27 authority; and

28 (2) an order of the court of common pleas of the county
29 in which the ancient burial place is located.

30 (c) Court order for removal.--Upon written application of

1 the consenting owner, lineal descendant or burial ground
2 authority, the court of common pleas may, after a hearing, with
3 notice of the hearing having been given to interested parties
4 and otherwise as the court deems appropriate, order the removal
5 of the gravestone or memorial if it finds that the removal is
6 necessary or desirable for the protection and preservation of
7 the gravestone or memorial.

8 Section 5. Offenses.

9 (a) Destruction of tombs, monuments, gravestones, etc.--A
10 person who, without authorization of the owner of a burial lot
11 or a lineal descendant of the deceased or of the burial ground
12 authority, commits a misdemeanor of the second degree if:

13 (1) he intentionally destroys, mutilates, defaces or
14 removes any tomb, monument, gravestone or other structure or
15 any portion or fragment thereof, placed or designed as a
16 memorial for the dead, or any fence, railing, curb or other
17 enclosure for the burial of the dead in an ancient burial
18 place; or

19 (2) he wantonly or maliciously disturbs the contents of
20 any tomb or grave in an ancient burial place.

21 (b) Unlawful possession of monuments, gravestones or certain
22 other structures.--A person commits a misdemeanor of the second
23 degree if he possesses or sells, offers for sale or attempts to
24 sell or transfers or disposes of any monument, gravestone or
25 other structure or any portion or fragment thereof, placed or
26 designed for a memorial of the dead, knowing that it has been
27 unlawfully removed from an ancient burial place.

28 Section 6. Effective date.

29 This act shall take effect in 60 days.