

RELEVANT EXCERPTS FROM TCA 4, 39 & 68

TITLE 4 – STATE GOVERNMENT

Chapter 11 Historian and Historical Commission

4-11-106. Commission — Advisory boards or committees.

(a)

(1) The commission may also establish and appoint one (1) or more advisory boards or advisory committees to assist the commission in the performance of its duties.

(2) The commission shall establish a historic cemetery advisory committee composed of seven (7) members. The committee may include up to three (3) members of the commission and must include at least one (1) non-commission member with expertise in each of the following areas: archeology, cemetery or land law, and historic preservation. The commission shall strive to ensure that the membership of the committee appropriately reflects the racial and geographic diversity of the state. The committee shall study protections and preservation efforts for cemeteries of historical importance and the need, if any, to enhance protections and preservation efforts. By December 1, 2020, and every five (5) years thereafter, the committee shall issue a report, including any recommendations for legislative action, to the commission. The commission may adopt the report or return the report to the committee for further consideration. If adopted by the commission, the report shall be posted on the website of the commission.

(b) The commission is authorized, out of any funds appropriated to the commission, to pay the actual expenses of such board or committee members incurred while on official business.

(c) All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

TITLE 39. CRIMINAL OFFENSES

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 3 -- Disorderly Conduct and Riots

39-17-311. Desecration; honored places or flags

(a) A person commits an offense who intentionally desecrates:

- (1) A place of worship or burial; or
- (2) A state or national flag.

(b) A violation of this section is a Class A misdemeanor.

39-17-312. Corpses; abuse

(a) A person commits an offense who, without legal privilege, knowingly:

- (1) Physically mistreats a corpse in a manner offensive to the sensibilities of an ordinary person;
- (2) Disinters a corpse that has been buried or otherwise interred; or
- (3) Disposes of a corpse in a manner known to be in violation of law.

(b) A violation of this section is a Class E felony.

39-17-305. Disorderly conduct.

(a) A person commits an offense who, in a public place and with intent to cause public annoyance or alarm:

- (1) Engages in fighting or in violent or threatening behavior;
- (2) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (3) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(b) A person also violates this section who makes unreasonable noise that prevents others from carrying on lawful activities.

(c) A violation of this section is a Class C misdemeanor.

History

Acts 1989, ch. 591, § 1.

39-17-306. Disrupting meeting or procession.

(a) A person commits an offense if, with the intent to prevent or disrupt a lawful meeting, procession, or gathering, the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(b) A violation of this section is a Class A misdemeanor.

39-17-309. Civil rights intimidation.

(a) The general assembly finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals. It is not the intent of this section to interfere with the exercise of rights protected by the constitution of the United States. The general assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The general assembly further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

(b) A person commits the offense of intimidating others from exercising civil rights who:

- (1) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state of Tennessee;

- (2) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of the state of Tennessee;
 - (3) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the state of Tennessee; or
 - (4) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of the state of Tennessee.
- (c) It is an offense for a person to wear a mask or disguise with the intent to violate subsection (b).
- (d) A violation of subsection (b) is a Class D felony. A violation of subsection (c) is a Class A misdemeanor.
- (e) The penalties provided in this section for intimidating others from exercising civil rights do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

History

Acts 1989, ch. 591, § 1; 1990, ch. 984, § 1.

39-17-311 Desecration; honored places or flags

- (a) A person commits an offense who intentionally desecrates:
 - (1) A place of worship or burial; or
 - (2) A state or national flag.
- (b)
 - (1) A violation of subdivision (a)(1) is a Class E felony.
 - (2) A violation of subdivision (a)(2) is a Class A misdemeanor.

Credits

1989 Pub.Acts, c. 591, § 1; 2017 Pub.Acts, c. 432, § 1, eff. July 1, 2017.

39-17-312 Corpses; abuse; purchase or sale of skeletal remains

- (a) A person commits an offense who, without legal privilege, knowingly:
 - (1) Physically mistreats a corpse in a manner offensive to the sensibilities of an ordinary person;
 - (2) Disinters a corpse that has been buried or otherwise interred; or
 - (3) Disposes of a corpse in a manner known to be in violation of law.
- (b) A person commits an offense who, without legal authority or privilege, knowingly offers to sell, sells, offers to purchase or purchases previously buried human skeletal remains. Any remains seized in violation of this subsection (b) shall be confiscated and subject to disposition as provided for in §§ 11-6-104 and 11-6-119.
- (c) A violation of this section is a Class E felony.

Credits

1989 Pub.Acts, c. 591, § 1; 2006 Pub.Acts, c. 896, § 1, eff. July 1, 2006.

TITLE 68. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION

Chapter 3. Vital Records

Part 5 -- Deaths

68-3-508. Disinterment; reinterment

(a) Authorization for disinterment and reinterment in cases of movement of cemeteries or parts of cemeteries or for reuniting families shall be required prior to disinterment of a dead body or fetus.

(b) Such authorization shall be issued by the state registrar to a licensed funeral director or person acting as such, upon proper application.

68-4-110. Disinterment; rules and regulations

The department of health is empowered to prepare suitable regulations governing the disinterment of dead bodies for the protection of public health.

History

Acts 1977, ch. 128, § 18; T.C.A., § 53-477.