

Ala. Code 1975, § 13A-11-13
Abuse of Corpse

The defendant is charged with abuse of corpse.

A person commits the crime of abuse of a corpse if he/she knowingly treats a human corpse in a way that would outrage ordinary family sensibilities.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

(1) The Defendant treated a human corpse in a way that would outrage ordinary family sensibilities by **[describe the act]; (AND)**

(2) The defendant did so knowingly.

[Read if appropriate] Abuse of a corpse may include knowingly and willfully signing a certificate as having embalmed, cremated, or prepared a human body for disposition when, in fact, the services were not performed as indicated. [13A-11-13(a)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

A person acts *willfully* with respect to conduct or to a circumstance described by a statute defining an offense when he/she acts intentionally, knowingly and purposely, without justifiable excuse, as distinguished from an act done carelessly, thoughtlessly, heedlessly, or inadvertently. [*Padgett v. State*, 56 So. 2d 116, 117 (Ala. App. 1952); Black's Law Dictionary 1434 (5th ed. 1979)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of abuse of corpse, then you shall find the defendant guilty of abuse of corpse.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of abuse of corpse, then you cannot find the defendant guilty of abuse of corpse.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Note

The defendant may assert he/she was authorized by law to treat the corpse the

way he/she did. If so, the jury may need to be charged in that regard.

[Approved 09-13-19.]