

Analysis of Non-Homicidal Necrophilic Offenses and Punishments According to State Law and Aggrawal's Classification System

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Abstract

Historical documentation indicates that the presence of necrophilia has been a constant since approximately 455BC, and one of its very first instances was recorded in Ancient Egypt. This is not to say that necrophilia did not occur prior to the keeping of archives. What is notable is the fact that at present time—some 2479 years later in the year 2025AD—necrophilia is still occurring across the world not excluding America. This speaks volumes in proving that the practice continues to persevere across both geographic location and time. An extensive review of literature revealed research identifying necrophilia as a paraphilic mental disorder after the conducting of psychoanalysis on those who took part in necrophilic acts. Other research brought forth the criminalization of necrophilia in some jurisdictions from a legal perspective. Still more articles displayed that necrophilia is precisely the point in which psychological disorder and crime intersect. Additional studies shed light on a categorization system for necrophiles, signifying that the mind and behavior of all participants are not one in the same. It is both the system of classification and the criminal/legal aspect of necrophilia in the US that are the focus of the research at hand. In the United States, no federal law exists regarding the banning of necrophilia. This legislative responsibility is left completely up to each individual state. Some states follow in the footsteps of the US government, opting not to include an anti-necrophilia law in their state code. Other states have certainly chosen to include such laws on their books. This research focuses on the states that do include laws that prohibit necrophilic acts within their state codes, or have established precedence-setting caselaw within their jurisdictions. This study was conducted via analytical comparative legal research. The purpose was to identify how necrophiles are handled under each state's legal system in order to compare and contrast 1) variances as to where each state houses their anti-necrophilia law (criminal code/health regulation/precedence-setting caselaw), 2) their code specifications, 3) their criminal charges, 4)

whom or what the offense is against (public/person/property) in their state, 5) the status of the corpse (person/object/undetermined) in their state, 6) their specified prohibited acts, 7) against what class(es) of necrophile a corpse is protected in their state, 8) the crime level (misdemeanor/felony) in their state, and 9) their maximum sentencing requirements. To do so, anti-necrophilia laws from each state that has one were gathered and analyzed meticulously down to the exact wording utilized. To identify the classes of necrophiles to which the laws pertain, Aggrawal's classification system was utilized. The results of this research illustrate that a federal necrophilia law should not only exist, but should be considered a necessity. Extreme differences were found after data analysis regarding the incongruent legalities and the immense disparities in penalties from state to state. Additionally, no state laws required psychiatric services in sentencing. When states are made responsible for their own legislation of necrophilia prohibition laws, they are inconsistent, divergent, and frankly concerning. Perhaps the United States government will, finally, be so inclined as to issue a federal anti-necrophilia law to end the extreme clashes on the state level once and for all.

Keywords

Federal Anti-Necrophilia Law, State Anti-Necrophilia Law, Necrophilia Variations, Anil Aggrawal, Classifications of Necrophiles, Crimes against the Dead, Sentencing Necrophiles, Psychological Disorder, Paraphilic Disorder, 10-Tier Classification of Necrophiles

1. Introduction

1.1. Defining Necrophilia and Exploring Its History

The word *necrophilia* is a derivative of the two Greek words, *philios* which means love or attraction to, and *nekros* which means corpse or dead body [1]. Necrophilia is the sexual attraction to a decedent, and those who experience this lure are known as necrophiles or necrophiliacs.

Necrophilia is by no means a solely modern-day issue. Herodotus, who lived from 484BC-425BC, recorded in his chronicles “that bodies of remarkably stunning women were no longer embalmed immediately after their deaths in Ancient Egypt, to deter a repetition of a situation where it was exposed that an embalmer had intercourse with the corpse of a freshly deceased woman” [2]. Hundreds of years following this, necrophilia was still as present as ever. The Babylonian Talmud (3rd-5th centuries AD) records a chosen maiden killing herself to avoid marrying King Herod of Judea. It was noted that she had no desire to be with him, and continued to state that following her suicide, the king had her corpse conserved in thick honey for seven years so that he could have sex with her body at later dates [3]. In what is known today as Northeast China, Xianbei Emperor Murong Xi (385AD-407AD) of the state of Later Yan took part in sexual intercourse with the body of his wife, Empress Fu Xunying, after her body was cold to the touch and placed in

her coffin [4]. Later still, Gilles de Rais, a knight, lord, and leader in the French army—and companion-in-arms to Joan of Arc—was witnessed sexually violating the dead bodies of his victims up until his death in October 1440 [5]. Continuing onward in time, notable criminologist Herschel Prins, proved that up until the 19th century, if an engaged woman passed away in Central Europe prior to her marriage, the male betrothed to her may copulate with her body [6].

In more recent history, Carl Tanzler (1877AD-1952AD), a radiology technician at Florida's Key West Marine-Hospital was obsessed with a tuberculosis patient. After her demise, Tanzler body-snatched her corpse and lived with it in his home for seven years until its discovery by law enforcement authorities in the year 1940. A makeshift vaginal tube had been inserted in the genital of the corpse that allowed for intercourse [7]. More recently still, Disc Jockey Jimmy Savile (1926AD-2011AD) confessed that his dear friend, the Chief Mortician of Broadmoor Hospital, gave him unlimited and unrestricted access to the hospital's morgue where he would partake in necrophiliac acts with patients who had expired [8]. As recent as 2007 was the case of 24-year-old Anthony Merino who was discovered having sexual intercourse with a 92-year-old woman's corpse inside the morgue of the Holy Name Hospital in New Jersey where he worked as a lab technician [9].

Necrophilia has been shown to have touched every continent on earth with the exception of Antarctica. It has plagued every era throughout human history, including the present, and will continue to do so throughout the future.

1.2. The Nature of Paraphilias

The reason that necrophilia will never cease to exist is because all paraphilias are neither preventable nor are they curable. This is because paraphilias are “innate, driven by some complex interactions between androgenization of the brain and neurohormonal changes” [10], or occur on account of other biological factors like genetics and/or brain anomalies [11].

The term *paraphilia* was coined in the year 1903 by Australian sexologist, Dr. Friedrich Salomon Krauss, who was a close correspondent of Sigmund Freud [12]. The word *paraphilia* was defined at that time as an atypical sexual interest, and over time was described as sexual perversion and sexual deviation.

No amount of aversion therapy, or any other treatment of the like, can change this. The subject of one's attraction absolutely cannot be altered at all via psychotherapeutic attempts of any kind. This was proven with the failure of “conversion therapy—sometimes called reparative therapy or gay cure therapy” [13] in the effort to alter sexual attraction toward individuals of the same sex. There is no vaccine to prevent paraphilic disorders. Additionally, there is no drug that can change the subject of one's attraction.

The only thing a judge can do is mandate an individual with a paraphilia to take prescribed psychopharmaceuticals, like anti-androgens, as a means of chemical castration. These shut down the libido altogether, regardless of the subject of one's attraction. This works well in theory, but not in practice. Firstly, not all sexual

deviants come before a judge, as many manage to go a lifetime under the radar. Secondly, there is nobody monitoring those who are mandated by a judge. No one is ensuring that anyone is taking their court-ordered medication daily, religiously and in the proper dosage after release from a hospital or a penitentiary. Probation and parole officers do not visit the released every single day.

Again, the existence of paraphilias absolutely cannot be averted. They can be treated with sex-drive-eliminating drugs, but only if the patient is consistently under complete supervision and control for the remainder of his life. Paraphilias absolutely cannot be remedied via therapeutic action. For these reasons, paraphilias will not cease to be problematic in today's society or in societies of the future.

1.3. Necrophilia as an Unspecified Mental Disorder

Nowadays, in more contemporary times, paraphilic disorders are recognized as “recurrent, intense, sexually arousing fantasies, urges, or behaviors that are distressing or disabling and that involve inanimate objects, living non-humans, children, or nonconsenting adults, or suffering or humiliation of the person or a partner, with the potential to cause harm” [14].

The International Classification of Diseases-11th Edition, known as the ICD-11, includes paraphilic disorders as follows: “Diagnosis must meet criteria of paraphilia and one of the following: 1) a marked distress associated with arousal pattern (but not one that comes from rejection or fear of rejection); 2) the person has acted on the arousal pattern towards unwilling others or others considered as unable to give consent; 3) a serious risk of injury or death” [15]. ICD-11 codes for paraphilias range from 6D30 to 6D3Z, but none specify necrophilia. Therefore, Necrophilic Disorder would be coded as “6D35—Other paraphilic disorder involving non-consenting individuals” [15].

The Diagnostic and Statistical Manual of Mental Disorders—Fifth Edition—Text Revision, known as the DSM-5-TR, now dedicates an entire chapter to paraphilic disorders, but only delves deeply into eight in particular. These eight include Exhibitionistic Disorder, Fetishistic Disorder, Frotteuristic Disorder, Pedophilic Disorder, Sexual Masochism Disorder, Sexual Sadism Disorder, Transvestic Disorder, and Voyeuristic Disorder. There are two remaining categories within the chapter including “Other Paraphilic Disorder Involving Non-Consenting Individuals” and “Other Paraphilic Disorder Involving Solitary Behavior or Consenting Individuals” [16]. While the 548 identifiable paraphilic disorders from Acrophilia to Zoophilia would fall under one of the two unspecified, “other” categories, Necrophilic Disorder would fall under the category of “Other Paraphilic Disorder Involving Non-Consenting Individuals” [17].

Essentially, with the exception of Pedophilic Disorder, no philic disorder is recognized by way of having its own category in the ICD-11 or the DSM-IV-TR. Necrophilic Disorder certainly is not. It is squeezed into a non-specific category with hundreds of other philias. This was first noted sixteen years ago by Anil Agrawal, MD, the world's leading expert on necrophilia and the author of the first article in this research's Review of Literature.

1.4. The Expertise of Anil Aggrawal, MD

In 2009, Aggrawal was the first professional who pointed out that necrophilia was grouped, at that time, under the code 302.9—Paraphilias Not Otherwise Specified. He stated that year that, “The ICD-10 does not assign any specific or unique code to necrophilia. It classified necrophilia under the code F65.8—Other Disorders of Sexual Preference, along with several other paraphilias such as telephone scatologia and frotteurism” [18]. He made clear that a more detailed “classification system is urgently needed” [18]. He did this by proving that necrophilia truly is its own category by identifying and defining ten subcategories of necrophiles, six of which are of focus to this research. Aggrawal’s 10-Tier Classification of Necrophilia is fully accepted and has been adopted by clinical forensic psychologists and psychiatrists worldwide. Meanwhile, in the year 2025, the DSM-IV-TR still does not categorize necrophilia under Paraphilic Disorders by name, and still has not assigned Necrophilic Disorder a specific code. Thus, displaying Aggrawal’s point perfectly regarding the need for specificity in diagnosing and coding.

The reason that Aggrawal’s 10-Tier Classification of Necrophilia was so quickly and widely accepted and utilized by medical professionals is because of his unsurpassed expertise in his field. Aggrawal is India’s most prominent specialist in forensic medicine and is also a very celebrated toxicologist. His alma mater is the University College of Medical Sciences at the University of Delhi. Aggrawal joined New Delhi’s Maulana Azad Medical College as a member of the faculty in the year 1985. While maintaining his academic position, Aggrawal also edits the peer-reviewed journal, the *Internet Journal of Forensic Medicine and Toxicology*, which he founded. He has authored over twenty-five books and has authored and co-authored countless scholarly articles on necrophilia. His works range from *Forensic and Medico-legal Aspects of Sexual Crimes and Unusual Sexual Practices to Necrophilia—Forensic and Medicolegal Aspects*. As of the present time, Aggrawal is rightfully regarded amongst medical professionals and the within the academic community as the world’s leading authority on necrophilia.

1.5. Aggrawal beyond Medicine: Lawyering, Expert Witnessing, and Legislation

Aggrawal’s work is pertinent with regard to the criminalization of necrophilia, as his research and experience is not limited to physical medicine and psychological diagnoses. His work is truly multi-disciplinary in its nature, as displayed in his multitude of publications which delve deeply into lawyering necrophilia cases, expert witnessing in necrophilia cases, country-wide anti-necrophilia legislation, and the like.

With regard to lawyering, Aggrawal warns prosecutors that “in necrophilia testimonies, frequently the pathologist is faced with determining whether there was intent” [11], but physical evidence does not always imply a perpetrator’s resolve. He also reminds defense attorneys that “if the necrophile acts have been proven beyond any doubt by the prosecution, the only good way to defend a necrophile

is to try to push the insanity defense. Given the extraordinary abnormal nature of necrophilic acts, the court may not find it difficult to accept that a person who commits sexual acts with a dead body may indeed be insane [11].

With regard to the providing of expert testimony in necrophilia cases, Aggrawal has displayed that calling psychiatrists to the stand in the past has proven quite effective. In a 1997 case out of New South Wales, Australia, three psychiatrists provided expert testimony for the defense. One stated, “To carry out an act like that... indicates an extremely severe disintegration of control and the expression of very primitive impulses. It involves in essence, I suppose you could say, a break with reality. And the term psychotic might be used” [19]. The second stated, “I think that such an action, by whatever standards you want to judge, is evidence of a very great degree of mental derangement” [19]. The third stated, “This sort of conduct or action supports me in my view that he is a psychotic person; that is, a person who is suffering from a mental disease or defect to such an extent that they could be considered to be insane” [19]. The success of insanity defenses in necrophilia cases is extremely high, as Aggrawal states, “NGRI (Not Guilty by Reason of Insanity) comes as a rather natural defense for necrophiles. It doesn’t take much to convince a jury that a person who commits sexual intercourse with a dead body... is insane” [11].

Of course, lawyering and expert witnessing within necrophilia cases only occurs in jurisdictions where necrophilia is deemed illegal. Regarding country-wide legislation, Aggrawal’s exploration of anti-necrophilia law spans the globe. He notes that “in France, article L225-17 of the French Penal Code makes necrophilia an offense. It allows the judge to punish necrophiles for ‘effect on the integrity of a corpse’” [11]. Aggrawal brings forth that in the *Strafgesetzbuch*, known in English as the German Criminal Code, Chapter 11-Section 168 outlaws necrophilia because it disturbs the peace of the dead [11]. Aggrawal states that South Africa charges necrophiles with “Committing a Sexual Act with a Corpse” as per their Criminal Law Amendment Act of 2007, and the Canadian Government prohibits necrophilia in Section 182 of the Criminal Code of Canada [11]. Similarly, Aggrawal shows that Section 214 of the Criminal Code of Western Australia criminalizes misconduct with regard to corpses. Additionally, Aggrawal displayed that Section 297 of the Indian Penal Code also “addresses this perversion” [11]. To this day, the United States of America is still one of the very few first-world countries that does not have a federal anti-necrophilia law in its legislation.

2. Review of Literature

2.1. Aggrawal: A New Classification of Necrophilia

Up until the year 1989, a necrophile was a necrophile, and there was no way for clinicians to officially distinguish one type of necrophile from another. This changed when “Rosman and Resnick classified all necrophiles” [18] providing a side group called pseudonecrophilia. However, newer research articles on necrophilia, though few and far between, had been published after Rosman and Res-

nick's, enlightening the author of the article at hand in the late 2000s that "a newer classification is more appropriate" [18]. Aggrawal aimed to put an end to the previous, basic categorization, bringing forth a system in which necrophilia variations could be distinguished from one another via a 10-tier categorization system. While there still was not a plethora of literature available on the topic of necrophilia at the time his article was published, all obtainable literature was taken into consideration by Aggrawal. It was his hope that "the new proposed system of classification would put an end to confusion centering around some necrophilia-related terms" [18].

In 2009, the Journal of Forensic Legal Medicine published Aggrawal's article entitled *A New Classification of Necrophilia*. In it, he illustrated his ten classes of necrophiles including every possibility, leaving no stone unturned. Within the article, Aggrawal named Class I as Role Players, identifying them as "people who get aroused when pretending their partner is dead during sexual activity" [18]. Class II he named Romantic Necrophiliacs and identified them as "bereaved people who remain attached to their dead lover's body" [18]. Class III he named Necrophiliac Fantasizers and identified them as "people who fantasize about necrophilia, but do not physically interact with corpses" [18]. Class IV he named Tactile Necrophiliacs and identified them as "people who are aroused by touching or stroking a corpse, without engaging in intercourse" [18]. Class V he named Fetishistic Necrophiliacs and identified them as "people who remove objects or body parts from a corpse for sexual fetishes, without engaging in intercourse" [18]. Class VI he named Necromutilomaniacs and identified them as "people who derive pleasure from mutilating a corpse while masturbating, without engaging in intercourse" [18]. Class VII he named Opportunistic Necrophiliacs and identified them as "people who normally have no interest in necrophilia, but take the opportunity when it arises" [18]. Class VIII he named Regular Necrophiliacs and identified them as "people who preferentially have intercourse with the dead" [18]. Class IX he named Homicidal Necrophiliacs and identified them as "necrosadists who murder someone to have sex with the victim" [18]. Lastly, Class X he named Exclusive Necrophiliacs and identified them as "people who have an exclusive interest in sex with the dead, and cannot perform at all for a living partner" [18].

It is this very classification system that, today, is utilized by medical professionals and legal professionals who are involved in necrophilia cases the world over. This classification system is referred to in this research when determining which type(s) of necrophiles corpses are protected against in each jurisdiction within the US.

2.2. Chatterjee: Necrophilia: A Complex Intersection of Crime and Psychological Disorder

Necrophilia: A Complex Intersection of Crime and Psychological Disorder, is a 2023 article by P. Chatterjee that was published in the Journal of the Indian Academy of Forensic Medicine. Chatterjee defines necrophilia as "the act of engaging

in sexual activity with a dead body” [20], identifying the act as both “disturbing and rare” [20]. Chatterjee, a Professor of Law at India’s ICFAI University and Research Fellow at Tashkent State University of Law in Uzbekistan, explained necrophilia’s psychological aspects, as well as its legal dimensions within the confines of this article.

As far as necrophilia’s psychological aspects, Chatterjee honed in on its classification into intent/action-based categories. By way of the examination of an abundance of case studies from a variety of regions, the drives propelling such acts are shown to range from sadism-based psychological disorders to vengeance-focused ones. The article emphasized the requirement for diagnostics and treatment plans because necrophilia can manifest itself through a multitude of venues, “from accidental tactile arousal during medical dissections to deliberate mutilation of corpses [20].

Regarding the legal dimensions of necrophilia, Chatterjee recognized that the road of criminal behavior intersects with the road of psychological disorder, calling for the “crucial necessitating of the involvement of both criminological and psychological expertise in handling such cases” [20]. However, the article shows that in some cases, a necrophile should be treated as more of a psychiatric patient than a criminal, like in the case of a Class II—Romantic Necrophile where a widower who was lovingly married to his wife for forty-one years committed necrophilia on her corpse. “To ascertain whether necrophilia should be considered a crime or a psychological disorder, an investigation of the context of each incident, including the victim’s cause of death and any prior sexual assaults” [20]. On the other end of this wide spectrum, in the case of a Class IX—Homicidal Necrophiliac, a thirty-three-year-old man strangling a woman he had been stalking for the sole purpose of having sex with her corpse, the necrophile should be treated more as a crime than a someone with a psychological disorder. At any rate, in all circumstances, there is an aspect of criminality and an aspect of psychological disorder in each and every necrophilia case brought before a judge.

This article was a call for heightened awareness of the public and law enforcement to facilitate early detection and appropriate treatment, preventing the escalation and continuation “of these disturbing behaviours” [20], regardless of whether they are viewed by professionals as more of a result of a psychological disorder or more of a criminal offense. The article illustrated that the purpose of distinguishing between more criminal necrophilia and more paraphilic necrophilia will be “essential in either determining suitable punishment or ensuring that those with psychological disorders receive medical care to address their aberrant urges” [20].

Chatterjee’s research ultimately formed “the groundwork for comprehensive legal provisions and psychological support systems to address the complex intersection of necrophilia as a crime and as a mental health issue” [20]. This article is pertinent to this research in that it epitomizes the need for judges to sentence convicted necrophiles to not only in a punitive manner, but also in a therapeutic manner.

2.3. Pettigrew: Fantasy, Opportunity, Homicide: Testing Classifications of Necrophilic Behaviour

This 2019 article by researcher, M. Pettigrew, entitled *Fantasy, Opportunity, Homicide: Testing Classifications of Necrophilic Behaviour* labeled necrophilia as “one of the most understudied sexual paraphilias”. The study, published in the *Journal of Police and Criminal Psychology*, found that “a stronger cohort of offenders needs to be established” [21] because diagnosed necrophiles are often scarce and necrophilia-based offenses are extremely underreported. The reason for such reason underreporting is that it is bad for business. Even Aggrawal recognized this in stating “a dug-up grave may be the crime scene in Class VIII necrophilia (regular necrophiles), where dead bodies are stolen from graveyards for necrophilic purposes” [11]. Who would purchase a plot in that cemetery after a case like that was on the six o’clock news? The same could ruin the reputations of funeral homes, hospital morgues, and anywhere else a corpse can be found. Refraining from reporting acts of necrophilia helps avoid negative publicity and financially devastating lawsuits.

Because of the scarcity of reported and prosecuted necrophilia cases, Pettigrew called for a re-visitation of its features academically. With regard to necrophilia being understudied, “scholarly and academic attention has only been devoted to this sexual paraphilia from the twentieth century onward” [21], even though instances of necrophilia have been tracked way back to the days of old. Not only did Pettigrew reiterate that the study of necrophilia got a late start, but he also emphasized the implications of the *dark figure*. “Criminologists refer to the *dark figure* of crime—the amount of unknown, unreported and undiscovered offences—necrophilic acts would be a prime example of offense(s) not accurately reflected in statistics” [21]. The article illustrated that “with no living victim, detection rates are low” [21], as a corpse cannot file a complaint with police. This is why the majority of necrophiles are only arrested under caught-in-the-act circumstances or on CCTV video footage.

This article also featured the “development and enactment of necrophilic desire” [20], proving that with regard to Aggrawal’s 10-tier classification, necrophiles can be category jumpers. Just because an offender is originally classified as one type of necrophile does not necessarily mean that this individual will remain within this category throughout his lifetime. The possibility and likelihood of category-jumping is very real due to desire development. In the article, a case study was brought forth of “a necrophile whose desires, motivation and behaviour did not remain static, but escalated over time” [20]. The subject moved from a more benign level class involving only fantasy, to the most severe class, as “ultimately, he would kill more than ten men before his capture to enable the enactment of his necrophilic fantasies” [21]. The reason behind such category jumping seems be similar to alcohol tolerance. Over time, what used to get an individual intoxicated has little effect. As time passes, the mere visualizations were not having the effect they once did, so the subject progressed for reasons of sexual satisfaction.

This article brought to light the realization that certain paraphilias are under-examined and remain out of the focus of researchers, necrophilia being one of them. The macabre nature of the offense is likely way too off-putting, and the lack of offenders from whom to collect qualitative data via intensive interviews are so few and far between. However, the fact that a necrophile can travel from one category to the next shows that continued research is a necessity. This is the only way that clinicians can become aware of warning signs of a patient nearing a category jump, moving them from a mere patient who daydreams about it to an offender who may very well dig up a grave next week.

2.4. Tippett: Shining Light on an Unspeakable Crime: Necrophilia and the Need for Legal Reform

This 2023 article by A. Tippett, entitled *Shining Light on an Unspeakable Crime: Necrophilia and the Need for Legal Reform*, was published in *Current Issues in Criminal Justice*. It focused on the fact that the laws throughout the United Kingdom do not take into consideration the various classifications of necrophilia to dole out penalizations according to specific necrophilia categories. Instead, the UK sentences all convicted individuals who fit into all classifications of necrophilias in the same manner. Tippett found this “problematic for several reasons. Principally, the definition overlooks Aggrawal’s typologies of necrophilia, meaning that the severity and context of the offence is not taken into consideration” [22] at all. Tippett also focused on the issue of a lack of expertise in forensic psychologists and psychiatrists regarding necrophilia.

In order to take into suitable consideration, the proper sentencing guidelines for necrophilia, legislation should “follow a similar trajectory to the laws that oversee sexual offences pertaining to the living. The Sentencing Council outlines over 50 offences in the definitive guidelines for sexual offences” [22] with regard to the living, but not with regard to the dead. For the living, the offense of groping is a lesser sex crime than that of sodomy, and therefore offenders are penalized according to the detailed criminal act. The crime of groping does not carry the same severity of sentencing as that of penetration. However, that is not how the law works when it comes to necrophilia in the UK. A Class V—Fetishistic Necrophiliacs who merely stole the panties of a decedent for self-gratification at home will be charged and sentenced in the same manner as a Class X—Exclusive Necrophiliacs who never has sex with the living, but has vaginal intercourse consistently with corpses. “Decisions on maximum sentences are still undergoing a consultation period, and with there being limited precedent to aid the consultations, discussions should consider typologies such as those of Aggrawal” [22]. The lawmakers need to be able to define “separate offences of necrophilia based on different types” [22].

Additionally, Tippett states that “no one has treated a sufficient number of necrophiles” [22]. Perhaps if necrophilia had its own code in the ICD-11 and the DSM-V-TR, forensic psychologists and psychiatrists would be more likely to make this an area of their focus. Tippett states that the lack of qualified, experi-

enced necrophilia experts in the UK “highlights the need for more rigorous research into this paraphilia” [22]. As of today, Dr. Aggrawal is the only professional who has studied necrophiles and necrophilia variations enough to be considered an expert in regard to this particular paraphilia, and it is unlikely that he, single-handedly could fly across the world for every single necrophilia case prosecuted around the globe.

This is all pertinent to the US, as when sentencing a necrophile in the states, categorization within Aggrawal’s classification framework is not taken into consideration at all, just as it is not in the UK. This is pertinent in order to recommend both the proper disciplinary sentence and the correct psychopharmaceutical treatment. There needs to be more than one living expert specializing in necrophilia on the planet. Forensic psychologists and psychiatrists are needed as necrophilia specialists in the medical and legal fields alike.

2.5. Ricardo: Necrophilia: A New Social-Harm Taxonomy of US Laws

This 2021 article by K. Ricardo, entitled *Necrophilia: A New Social-Harm Taxonomy of US Laws*, was published in the William and Mary Journal of Race, Gender, and Social Justice. Ricardo discussed the fact that refinement and reform of rape laws have been progressively improved over the last fifty years, specifically with regard to issues of consent. However, laws prohibiting necrophilia have been changed for the better either very slightly or not at all. Ricardo stated that he “began to wonder what the line actually was between access to a dead woman’s passive body and a passive woman’s consent” [23]. Mutual willingness to partake in sexual activity cannot occur if one of the parties is a decedent, but at the same time, acts of necrophilia are “free from undue coercion” [23], as corpses do not resist the advances of an offender. This article focused on very undefined, cloudy definitions with regard to the status of a corpse which allows for loopholes in the law.

Some states include necrophilic crimes within the sex offenses category of their criminal code including forced oral sex, rape, sodomy, and the like. These states view the corpse as a person. However, a defense attorney can argue that there is no coercion, forcing, or psychological manipulation involved with a dead body. In addition, a lawyer defending a necrophile can also state that the victim (the corpse) never said “No” or “Stop” or “I don’t want to do this”. Of course, this is because the dead don’t speak, but it is the truth nonetheless.

With regard to the social harm that necrophilic crimes bring forth, necrophilia is categorized in some states’ criminal codes as a crime against the public, “as an injury to the emotions of surviving family members, specifically rejecting the notion that the deceased’s dignity rights don’t survive death” [23]. The bodies of any of our loved ones could be physically violated in a sexual manner, but the crime can be either argued away or plead down on the technicality that the body of the victim lacked life (which is required for a sexual assault to be true in some states) can be devastating. Many states punish necrophilia “through laws prohibiting a

wide variety of vague crimes against nature under an umbrella term that does not define exactly what the specific offense even was.

Some states categorize necrophilia in their criminal code as a property crime. These states view the body as a completely inanimate object like a table or a vehicle, as if it never contained a soul. Furthermore, there is a state in the US that lists necrophilia not under their criminal code, but under their health and safety code, looking only at the possibility of disease transmission during necrophilic acts.

The laws are so incredibly hazy on account “of the complicated legal status of a person who was once alive but is now dead. After death, the corpse occupies an ambiguous legal space where it is not entirely clear what remaining rights or interests the body has. Nor is it clear whether the deceased or her representative can or should be allowed to vindicate any surviving interests that may have been threatened or violated after death” [23]. A corpse is truly something, but the question is: Is a corpse still someone? Is a corpse an object of law or a someone of law? Or is it neither? Or is it both?

It is true that a corpse cannot feel the emotional torture, PTSD, and self-esteem issues after being violated the way a living individual would, but “to simply declare that the dead have no rights is to oversimplify an incredibly complex question” [23]. It could also be said that it is a social harm to the public to “think of the deceased as absolutely dead, gone, and forgotten” with full disregard for the respect of the body that once took air into its lungs during life. If a body is indeed a mere vessel, should that vessel be deemed as an object after life ends? Or should the same rights remain for that very body even after life has exited that vessel?

Ricardo recognized the need for clearer definitions with regard to corpses, as well as lines that are not blurred with regard to whether a decedent is an object or a person in the eyes of the law. This is pertinent to this research, as the fact that states cannot agree on the legal status of a corpse gives all the more reason why the US government must step in and clarify this issue by means of adding federal necrophilia legislation.

2.6. Drinot: Necrophilia, Psychiatry, and Sexology: The Making of Sexual Science in Mid-Twentieth Century Peru

This 2022 article entitled *Necrophilia, Psychiatry, and Sexology: The Making of Sexual Science in Mid-Twentieth Century Peru* was written by P. Drinot and was published in the *Journal of Social History*. The article is the embodiment of how necrophiles slip through the cracks of both the justice system and of the mental health care system. In the article, Drinot brings forth a case study, showing the detailed step-by-step handling of a necrophile by prosecuting attorneys in accordance with the legislation in the country of Peru, as well as by psychiatrists entrusted with the subject’s care according to Peruvian medical standards.

The case study was as follows: On the evening of 11/4/42, the subject scaled the wall of one of Lima’s graveyards and “extracted four coffins from four separate wall tombs. He opened the first coffin, where he found the decomposing body of an elderly black woman, but he did not disturb the corpse. He then opened a sec-

ond coffin, where he found a male body. Again, he left the body undisturbed. He then broke into a third coffin, which contained the corpse of an elderly woman. He removed the clothes of the deceased, including the undergarments, but did not touch the corpse. The man then opened a fourth coffin where he found the corpse of a young woman. According to the police report, the dead woman's clothes had been lifted in a way that exposed the woman's genitals. Semen was found on the woman's genitals" [24]. The subject was arrested and told the police officers that "he had entered the cemetery to defecate, but explained to the police that he masturbated over the woman's corpse" [24]. The officers brought him directly to Lima's "carcel central de varones (the central men's jail)" [24] where he was charged with disturbing the peace. In Peru, the same exact charge can be brought against anyone playing music above a certain number of decibels, which does not compare in any way, shape, or form to a necrophilic act. The subject was later transferred to the "V́ctor Larco Herrera psychiatric hospital in the District of Magdalena, Peru" [24].

With regard to psychiatric services rendered to the offender, Peruvian doctors diagnosed him as having what they "framed as an abnormality of the sexual instinct" [24], which means that at that particular point in time, this diagnosis could have just as well been referring to simple same sex orientation which was deemed a psychological disorder prior to 1972. Dr. Castro was assigned to this subject, and "like a phrenologist, Castro examined the shape of the patient's head" [24]. Phrenology charting has been deemed pseudoscientific in more recent times, as bumps and lumps on a skull/scalp have no bearing on the internal workings of the brain. Dr. Delgado, who was also assigned to this case, introduced psychoanalytic therapy to the Peruvian hospitals in the 1920s and the use of art therapy was used as a form of treatment on the subject. However, with an offender of this nature, drawing and painting pictures showed to be ineffective for someone with such a paraphilia. Pervasive thoughts continued and the urge to reoffend ultimately never diminished. The subject was charged with a benign, non-sexual offense and was given little more than a coloring book to use as his treatment plan.

Drinot's findings are crucial to this research because they offer an example of the disservice offered on the parts of the legislation, the courts, and the medical establishment. Murky laws lead to inappropriate charges and unspecified paraphilias lead to ineffective treatments not only in Peru, but in the US as well. American necrophiles slip through the cracks more often than not because of it.

2.7. Vasudevan, Dharma, and Eccleston: Necrophilia: A Study of the Psychoanalysis in the Characteristics of the Offenders Who Sexually Molest the Dead

Vasudevan, Dharma, and Eccleston's 2019 article titled *Necrophilia: A Study of the Psychoanalysis in the Characteristics of the Offenders Who Sexually Molest the Dead* was published in the Medico-Legal Update. It focused on the "measuring of constancy among the psychoanalytic theories relating to necrophilia which are reviewed, and supplemented by other relevant theoretical abstracts" [25] to form

a critical analysis of the traits carried by necrophiles. In other words, this research generated “the characteristics of such offenders who sexually molest corpses” [25].

Necrophiles were shown to be statistically male, and one characteristic of a necrophile is his vigilance in his ability to gain access to corpses. “Necrophiliacs most commonly acquire dead bodies through occupation—most commonly were hospital orderly, cemetery employee, morgue attendant, funeral parlor assistant, soldier, cleric, ambulance driver, anatomy student, volunteer fireman, and pathologist” [25]. The fact that a necrophile’s drive can be so strong that he would purposely seek out career paths that would offer a supply of corpses attests to not only his level of determination, but also to the severity of his urges.

Necrophiles are characterized to have an “unconscious, suppressed hostility towards parental figures and impulses to explore the mother’s body” [25]. This is indicated in many cases, as the offender has “the wish to re-enter and to explore the interior of the mother’s body” [25]. One such case given as an example within this article was that of a necrophile who methodically disemboweled a female corpse “by reaching into her vagina, puncturing the organs and pulling the intestines back out by the same route. He threw them over her shoulder. Then he lay down on that bed and went to sleep” [25]. The autopsy showed that the woman, who was indeed a mother, had passed away prior to any bodily trauma happening.

Yet another trait of necrophiles is their “profound lack of self-esteem and deep-seated feelings of inferiority” [25]. Necrophiles, according to this article, are “unusually sensitive to rejection, seeking out a safe sex partner who is permanently incapable of rejecting them. At first, they are fearful of the dead. However, through the defense mechanism of reaction formation, whereby an unacceptable emotion is replaced by its opposite, they become enamored of the dead and obsessed with them” [25]. Sex with the dead can never bring forth a dissatisfied, disappointed partner. A corpse will never judge one’s sexual performance and compare it to those of previous partners.

Necrophiles are also characterized as individuals who “emphasize separation anxiety” [25]. Many necrophiles want someone to stay and choose the dead because decedents do not walk away. One such example used in this article was a necrophile who “in his detailed interview with the police, said he wanted to possess the bodies, as he did not want them to leave him as they did every night, and also of his childhood emotional trauma caused by the death of his grandfather at the age of six” [25]. Experiencing the death of a treasured family member during childhood can create a fear that others, too, will make their departure. Necrophiles seek comfort in knowing that they can at least have the body close to them, evading physical separation and subduing their abandonment fears.

This article is essential to the research at hand in that it brought to light, the following traits with regard to necrophiles: 1) Necrophiles secure jobs/careers that will supply them with a steady stream of decedents, 2) Necrophiles are overwhelmingly male, 3) Necrophiles bottle-up anger toward their parents and unconsciously yearn to explore the bodies of their mothers 4) Necrophiles’ sense of

self-worth is unbearably low and feelings of being less than their peers are incredibly high, and 5) Necrophiles want company and permanency.

This information can allow forensic psychologists and psychiatrists in the US to keep this profile in mind throughout their careers. It will likely allow these professionals to foreshadow a potential necrophilic crime by a patient in the future. If so, preventative measures can be taken prior to the offense coming to fruition.

2.8. Kumar and Rathee: Necrophilia: An Understanding

The article, *Necrophilia: An Understanding*, by P. Kumar and S. Rathee was published in the International Journal of Indian Psychology, in the year 2019. Kumar and Rathee examined the means by which necrophilia was managed throughout historical times. This article also provides the means by which the management of offenders suffering from necrophilia can be achieved today.

Necrophilia occurred quite often in “the ancient world among sailors returning corpses to their home country” [26], though on the high seas at the conclusion of traumatic battles and wars, it went completely unaddressed. This was, understandably, the least of their country’s problems during such distressing times.

During many historical eras, necrophilia was dealt with through simply accepting it as a norm. An example of this was, “The Hittite law from the 16th century BC through to the 13th century BC explicitly allowed sex with the dead” [26]. Even individuals in leadership positions took part in necrophilic acts including Periander, the Greek leader who “had defiled the corpse of his wife, employing a metaphor: ‘Periander baked his bread in a cold oven’” [26]. Surely the actions of an emperor should not be questioned, and instead recognized as normal activity by onlooking members of society.

It is said that necrophilia in modern times should neither be ignored nor accepted, as the “specific idea of having sex with a deceased partner is similar to the romantic delusions exhibited by some stalkers who obsessively pursue their previous partners long after the relationship has ended or where the obsessed individual has had no previous, romantic connection with their object of desire” [26]. This implies that this particular paraphilia could be linked to or have comorbidity with Obsessive Compulsive Disorder (OCD).

The article highlighted the need for diagnosis and proper treatment displaying that in a sample of genuine necrophiles: 68% were motivated by a desire for an unresisting and un-rejecting partner; 21% by a want for reunion with a lost partner; 15% by a desire for comfort or to overcome feelings of isolation; 15% by sexual attraction to dead people; and 12% by a desire to satiate low self-esteem by expressing power over a corpse” [26]. With regard to psychopathy and/or psychological conditions, “nearly half of the true necrophiles had a personality disorder, and 11% of them were psychotic” [26]. Clearly, “the use of sex-drive reducing medications” [26] by offenders would help maintain the bodies of the deceased, and dignity of the survivors of the decedents whose bodies would otherwise be violated.

Kumar and Rathee's exploration of necrophilia management showed that while ignorance and acceptance were the methods many moons ago, the current methodology would involve diagnosis and treatment by medical professionals. Judges can and should mandate this in the year 2025 along with traditional correctional sentences. This study applies to the research at hand in that it recognizes the possible comorbidity or link between necrophilia and OCD, illustrating a potential need for US psychiatrists to prescribe both sex-drive-diminishing pharmaceuticals and SSRIs concurrently to necrophiles. Additionally, the study showed the motivation behind necrophilia in percentage form, allowing American diagnosticians to better understand *the why*.

2.9. Bhaskar: Necrophilia: Legal Perspective

N. Bhaskar's 2020 article, *Necrophilia: Legal Perspective*, was published in the International Journal of Legal Science and Innovation. Bhaskar delved deeply into the symptoms of necrophilia, which "play a vital role in understanding necrophiliac behaviour at an early stage" [27]. He also "proposed changes in Indian Laws to protect the dignity of the dead" [27] and offered "the main reasons for under reporting of this disease" in the country of India [27].

"Symptoms of necrophilia in humans are as follows: Inability to relate with the living; Fascination with foul odours; Lack of spontaneity; Language that includes numerous death-related or the excretory system; Appreciation for machines over people; Insensitivity to a tragedy involving loss of life; Dry skin; Interest in sickness and death; Incapacity to laugh; A tendency to smirk; Usually wears dark colors, while disliking bright ones; A view that the past is more real than the present; A belief that resolving conflict needs force or violence; Compartmentalization of emotion and will; Tends to be bored; Worship of techniques or devices of destruction; Tends to break and mutilate small things; Enthralled by skeletons" [27]. It is key for forensic psychologists and psychiatrists to make themselves aware of these signs so that they can monitor their patients properly and inquire during sessions whether or not they have begun acting on their impulses so that a treatment plan can be created and administered. This way sexual desires can be ebbed while the patient is in one of Aggrawal's more benign classes of necrophilia, before they spiral into one of Aggrawal's more extreme classes.

Bhaskar proposes writing into the penal code, to "specifically deal with... persons committing sexual abuse, sexual penetration or any other kind of disturbance to the dead" [27]. Bhaskar also suggests "separate sections in hospitals, rehabilitation centers and mental hospitals to deal with such patients" [27], as there is a need for specialized care via psychopharmaceutical interventions. It is recommended that "an establishment of council members to review the prescribed rules and procedures for necrophiliacs from time to time and that the council would also make awareness programs so as to impart knowledge among people and even help the persons developing any of such symptoms" [27]. Recognition is key to understanding and to necrophilic crime prevention. Bhaskar's final recommenda-

tion was that “police personnel should be trained in a way so as to deal with persons with any such disorders and further they could detain and communicate with people suffering from such disorders effectively” [27]. Police officers are trained in many areas from diffusion of high-tension situations to hostage negotiations, but are rarely trained on how to interconnect with individuals suffering from a paraphilia. They are most certainly not trained on how to communicate specifically with a caught-in-the-act necrophile.

Bhaskar revealed that the underreporting of necrophilic acts in India is due to the “Lack of proper knowledge among investigation personnel about the disease and behavioural patterns; Lack of limelight or attention towards this issue by the law-making bodies; Having no proper board of members to review the current needs and laws relating to necrophilia in the society” [27]. If a cop does not know with what crime to charge an offender, he may let the perpetrator go with a stern warning as to not embarrass himself with not knowing what code to file. A board or panel who keep updated on the strides researchers have made toward understanding necrophilia better and monitoring success levels of treatment does indeed sound fruitful.

Bhaskar’s work is essential because recognizing pre-necrophilic tendencies is the portal for both early intervention and future necrophilic crime evasion. Changes in the law are required to better deal with the most up-to-date information on dealing with a necrophilic offender for the sake of the offender, the arresting officers, and of the society at large. Bhaskar’s propositions for adapting Indian law can be easily mimicked in the United States of America for the same purpose. Bhaskar recommends disseminating educational information on necrophilia to law enforcement officers across India to end the underreporting of this crime. The same could be done on US soil. These are the steps that need to be taken so that necrophiles can receive the help they require and the punitive sentence fit for their specific classification according to Aggrawal’s classifications.

2.10. Tiwari: Legal Status of a Person after Death

This 2022 article by N. Tiwari, which was published in the *Journal of Legal Research and Judicial Sciences*, is entitled *Legal Status of a Person After Death*. The Catholic Church preaches the existence of purgatory, which is essentially a place of sorrow for souls of sinners who are atoning for their sins before going to Heaven. In other words, according to Catholicism it is a place of limbo in between Heaven and hell. Purgatory is a great analogy for corpses, as they are somewhere in limbo; somewhere between a person and an object in the eyes of the law. This article addresses just that, and is quite reminiscent of Ricardo’s article previously discussed in SECTION V of this chapter.

Tiwari ponders the legal status of a person after death and states, “in my experience, every person asked has had a different answer, from attorneys and judges to philosophy professors who are my colleagues. Nobody I’ve queried could ever answer this question in a black and white manner because every jurisdiction’s law details a different perspective” [28]. Because of this, the most profound statement

made by Tiwari, was “on birth of a human being, his personality comes into existence and after his death it ceases to exist” [28]. But, is that to say that once a personality comes to be, the individual becomes a person? Is that to say that once an individual dies and his personality stops being expressed, that individual ceases to be a person? Does that individual now become an object? So much confusion exists with regard to the rights of corpses. According to science, a corpse feels no physical pain and experiences no emotional hurt, so how can a corpse maintain the same rights as the living? Only the living can endure bodily agony and psychological trauma from sexual assault. Tiwari supports the previous statement showing that in many areas of the world, “in the eyes of law, dead persons are no longer considered to be persons, they have no interests and hence they are deprived of any rights” [28].

Tiwari showed that the Indian Penal Code seeks “to safeguard the character of the deceased” [28], recognizing that a corpse is an object, but because the object was once inhabited by the soul of a loved one, it deserves full respect. “Section 499 makes imputation to a deceased’s person punishable if the imputation would have hurt the deceased’s reputation and the feelings of his family and relatives. However, this right is of the living ascendants and not of a dead person” [28]. Essentially, Indian law takes into consideration the emotional state of the decedent’s family if that family were to be made aware of the sexual defilement of their loved one’s body.

In India, the body of a decedent is indeed considered an object, but “the body of the deceased is not considered to be property” [28]. A corpse cannot be owned by anyone. However, for the purpose of imposing penalties for necrophilia-based crimes, a corpse “can be considered to be quasi-property” [28].

While a dead body is a mere shell that was once occupied by the whole of a being, there is a need to uphold dignity for it. Because of this, “there is a need for the enactment of better laws to protect and uphold the dignity of the dead” [28]. With regard to the body of a decedent, “it is to be protected from any kind of disturbance to it and the sanctity of it is to be preserved” [28].

This article is quite significant to the research at hand in that America needs to establish the status of a corpse, rather than allow it to remain in a perpetual state of quasi-ness. It is nonsensical that individual states can establish and have established anti-necrophilia laws within their jurisdictions without the federal government identifying the status of a corpse as that of a person, that of an object, or that of an entirely different category altogether.

3. Methodology

3.1. Analytical Comparative Legal Research

This study was conducted via comparative legal research that is analytical in nature. It involved the collecting, examining, comparing, and contrasting of all of the anti-necrophilia laws within the US from each individual state’s criminal code, health code, and in one state, a precedence-setting case. It also required referring to Aggrawal’s classifications during the examination of each law. The aim was to

understand how necrophiles are handled under each state's specific jurisdiction. The study was analytical in type because of the critical evaluation and interpretation of current laws and current categorization system without the gathering of new data. Whatever already existed was all that was utilized. Therefore, any pending criminal code statutes, pending health code regulations, and pending criminal cases were not included at the time of this study's completion.

3.2. Defining Research Questions

The first step in conducting this study was the establishment of the research questions. The following ten questions were solidified with regard to each of the fifty states: 1) Does this state include anti-necrophilia law within their legislation or caselaw? If so, for purposes of this study, that state will be referred to as a Participating State (PS). 2) Does the PS include their anti-necrophilia law in their health code, their criminal code, or neither in instances of a precedence-setting case? 3) What is this PS's anti-necrophilia code specifics? 4) With what crime would an offender in this PS be charged for the commission of a necrophilic act? 5) Does this PS consider necrophilic acts an offense against the public, against the person, or against property? 6) Is the corpse classified as a person, an object, or as undetermined in this PS? 7) Do all PSs specify what particular acts are deemed unlawful involving decedents? 8) Against what class(es) of necrophile, according to Aggrawal's categorizations, does this PS's anti-necrophilia law protect a corpse? 9) Is the charge a misdemeanor or a felony in this PS? 10) What are this PS's sentencing requirements for breaking their anti-necrophilia law?

3.3. The Gathering of Criminal Code Statutes, Health Code Regulations and Case Law

The initial attempt to locate the anti-necrophilia law for each state involved viewing the statutes under each state's criminal code. All state criminal codes were accessed by one of these three paths: Direct access through the state government's website, through <https://www.justia.com>, or through <https://www.findlaw.com>. If a state did not appear to have an anti-necrophilia statute within their criminal code, the next attempt was viewing that state's health code. All state health codes were accessed via each state government's website. If the state's health code search was not fruitful, a final attempt to locate anti-necrophilia law was conducted via a caselaw search for each state. Precedent-setting caselaw for each state was viewed via Caselaw Access Project, a Harvard Law School caselaw database that is available for public use. If after these three attempts, no anti-necrophilia criminal statute was located, no anti-necrophilia health code regulation was located, and no precedence-setting caselaw was located, that state was deemed to not be a PS. Any state determined not to be a PS does not view necrophilia as illegal.

3.4. Data Analysis: Bases for Comparisons and Contrasts

For the states that were identified as PSs, anti-necrophilia laws were categorized as being housed within one of three sources: 1) Criminal Statute, 2) Health Code

Regulation, or 3) Precedence-Setting Caselaw.

Next, code specifics and charges in each PS were categorized in order to determine against whom or what a necrophile commits an offense in each jurisdiction. The categories are 1) Offense Against the Public, 2) Offense Against the Person, 3) Offense Against Property, or 4) Unspecified. If a state's law names necrophilia an offense against property, the corpse is viewed as an object. For example, Wyoming surely views a corpse as an object, as this state's statute article title is "Desecrating Graves and Bodies" [29]. By definition, only objects can be desecrated; people cannot be.

Following this, the prohibited acts named in each state's law were analyzed to determine against which class(es) of necrophiles the corpse is protected according to Aggrawal's classification system. Class I—Role Players and Class III—Necrophiliac Fantasizers will not be included, as they do not make physical contact with actual decedents. Class IV—Tactile Necrophiliacs will not be included, as merely "touching or stroking a corpse without engaging in intercourse" [18] is nearly impossible to prove. This is because no genetic material, like semen and no physical damage, like bruising, is left behind for evidentiary purposes. Class IX—Homicidal Necrophiliacs will not be included because the bigger concern is the actual murder and because this study's focus is non-homicidal necrophilia.

Finally, the crime class (misdemeanor or felony) and sentencing confines of convicted necrophiles in each state were analyzed. The investigation of sentencing included recording maximum monetary fines in dollar amounts, maximum incarceration periods with numeric time lengths, and psychiatric treatment requirements.

4. Findings

4.1. Participating States, Non-Participating States, and Location of Laws

Data showed that the vast majority of states do indeed have anti-necrophilia laws somewhere, whether it be within their criminal code, their health code, or via precedent-setting caselaw, making them Participating States (PSs) for purposes of this study. They include Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming. The only states in which no anti-necrophilia laws were found at all, making necrophilia legal, are Kansas, Missouri, Montana, Nebraska, New Mexico, South Dakota, Texas, Vermont, and West Virginia. Therefore, 41/50 states were PS, while 9/50 states were not.

The data exhibited that for 39/41 of PSs, the anti-necrophilia law is found within the state's criminal code. These states include Alabama, Alaska, Arizona, Arkan-

sas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming. 1/41, specifically California, is the only state where the anti-necrophilia law is found within the state's health code. 1/41, Massachusetts in particular, is the only state where precedence-setting caselaw is utilized rather than a legislative code.

4.2. Code Specifics and Charges in the 41 PSs

According to the data, anti-necrophilia code specifics vary greatly among the PSs. It was found that states house their anti-necrophilia laws under a variety of titles, chapters, sub-chapters, and articles that range as follows: Riots, disorderly conduct, pornography, professions and occupations, indecency, gangs, corpses, bestiality, safety, health, decency, obscenity, sexual morality, order, animals, sexual assault, sex crimes, desecration, substantial offenses, sensibility, funerary objects, rape, public good, morals, breach of peace, firearms, racketeering, welfare, trespass to realty, general provisions, and miscellaneous.

It appears as if the legislators in some states simply do not know where to insert their anti-necrophilia law within their state code. Therefore, some states utilize a miscellaneous heading. Some states seem not to know what necrophilia actually is, as in case of the State of Minnesota. Minnesota charges a necrophile with bestiality, having apparently completely redefined the word bestiality as “carnally knowing a dead body or an animal or bird” [30]. Other states just place their anti-necrophilia laws under any heading of their code, even if it is totally and completely unrelated. Who would have thought, for example, that one would have to read all of Chapter 166 of Oregon's Revised Statutes in order to locate their anti-necrophilia law? Oddly enough it can be found squeezed in among firearms and racketeering offenses. Who would have thought that one would have to sift through Chapter 17 of Tennessee's Criminal Code to find their anti-necrophilia law? They place theirs, strangely enough, among rioting and public urination offenses. For this reason, it was quite a daunting and time-consuming task to collect the necessary data.

The data showed that depending upon the PS, a necrophile can be faced with a variety of different charges. In 19/41 of the PSs, necrophiles are charged with Abuse of a Corpse/Dead Human Body. These states include Alabama, Arkansas, Colorado, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maine, New Hampshire, Ohio, Oregon, Pennsylvania, and Tennessee. In 1/41 of the PSs, particularly Alaska, necrophiles are charged with Misconduct Involving a Corpse. In 1/41 of PSs, specifically Arizona, necrophiles are charged with Crimes Against the Dead. In 1/41 of PSs, particularly California, necrophiles are charged with the Violation of Health and Safety Code #7052. In 3/41 of PSs, necrophiles are charged with Deviate Sexual Act/Aggravated Rape/Sexual Assault/Sexual Misconduct.

Note that there is no mention of the victim/object involved being a decedent whatsoever. These states are Connecticut, Massachusetts, and New York. In 4/41 of PSs, necrophiles are charged with Sexual Abuse/Sexual Contact/Sexual Penetration/Sexual Violation of Human Remains/Corpse/Dead Human Body. These states are Idaho, Iowa, Michigan, and Washington. In 3/41 of PSs, necrophiles are charged with Indecency/Disorderly Conduct/Unlawful Acts/Obscene Material or Performance. Again, notice that there is no mention of the victim/object on the receiving end of the offense being a human corpse at all. These states include Maryland, Nevada and Wisconsin. In 1/41 of PSs, specifically Minnesota, necrophiles face a charge of Bestiality. In 9/41 of PSs, necrophiles are charged with Destruction/Defilement/Disturbing/Desecration/Mutilating of Human Corpse/Human Remains/Grave and Contents/Dead Human Bodies. These states are Louisiana, Mississippi, New Jersey, North Dakota, Oklahoma, South Carolina, Utah, Virginia, and Wyoming. Only 2/41 of PSs charge necrophiles with Necrophilia itself, using the word in their statutory law. These states are Georgia and Rhode Island.

4.3. Against Whom/What a Necrophilic Offense Is Committed in the 41 PSs

If a state law names a necrophilic act as an offense against the person, that PS places their law under titles, chapters, and sub-chapters that include one or more of the following terms: Sex Offenses, Sexual Offenses, Sex Crimes, Sex Abuse, Rape, and Offenses Against the Person Involving Sexual Conduct. Data showed that 7/41 of PSs consider necrophilic acts to be a crime against the person. These PSs are Connecticut, Georgia, Idaho, Iowa, Massachusetts, New York, and North Dakota.

If a state law names a necrophilic act as an offense against property, that PS places their law under titles, chapters, and sub-chapters that include the phrase Crimes Against Property. Data showed that only 1/41 of PSs, specifically Virginia, consider necrophilic acts to be a crime against property.

If a state law names a necrophilic act as an offense against the public, the state places their law under titles, chapters, and sub-chapters that include one or more of the following terms: Offenses Against Public Order/Decency/Morals, Offenses Against Public Health/Safety/Welfare, Offenses Against Riot, Disorderly Conduct, and Related Offenses, Offenses Affecting the Public Sensibility, Crimes Against Public Decency and Good, Breaches of the Peace and Related Offenses, Offenses Against Public Policy and Crimes Against Public Health, Conduct, and Sensibilities, and Offenses Against Morals, Decency and Family. Data showed that 19/41 of PSs consider necrophilic acts to be a crime against the public. They are Alabama, Alaska, Arkansas, Delaware, Hawaii, Indiana, Kentucky, Louisiana, Maine, Maryland, Mississippi, Nevada, New Hampshire, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, and Wyoming.

Some PSs do not specify against whom or what a necrophilic offense is committed in their jurisdiction. These PSs place their law under titles, chapters, and

sub-chapters that include one or more of the following terms: Professions & Occupations, General Provisions, Miscellaneous Offenses, Offenses Concerning Dead Bodies and Graves, Crimes, Criminal Offenses, Compiled Laws—Dead Human Bodies, Criminal Code General, Crimes and Offenses, General Code of Criminal Justice, and Criminal Laws General. Data showed that 14/41 of the PSs consider necrophilic acts to be unspecified as to whom or what they offend. They are Arizona, California, Colorado, Florida, Illinois, Michigan, Minnesota, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, Washington, and Wisconsin.

4.4. Status of the Corpse in the 41 PSs

Within each PS, a corpse's status is classified as a person, an object, or as an unknown. This depends upon the actual wording within each jurisdiction's law.

PSs that make mention of sexual assault, abuse, and the like view the corpse as a person. To assault is to "make a physical attack on a being" [31]. To abuse is to "treat a person or an animal with cruelty or violence, especially regularly or repeatedly" [32]. For example, Wisconsin clearly views the decedent as a person, as within their Sexual Assault law, it states "inclusivity of deceased victim, sexual assault applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse" [33]. Assaults, abuse, and the like cannot be inflicted on objects. These offenses can only be committed against people by definition. Therefore, the corpse is viewed as a person within these PSs. Data exhibited that 30/41 of the PSs view the corpse as a person including Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nevada, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Washington, and Wisconsin.

PSs that make mention of desecration, destruction, and the like view the corpse as an object. To desecrate is to "commit an act of great disrespect to a sacred idea or thing" [34]. To cause destruction is "the action or process of destroying something" [35]. For example, South Carolina definitely views a decedent as an object, as their law prohibits anyone to "destroy or damage the remains of a deceased human being" [36]. Desecration, destruction, and the like cannot be done to people. These offenses can only be committed against objects by definition. Therefore, the corpse is viewed as an object within these PSs. Data showed that 6/41 of PSs view the corpse as an object. They are Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, and Virginia.

In some states, the status of the corpse is unknown because their laws use verbiage that refers to both a person and an object with regard to the corpse. An example of this would be New Hampshire, as their law mentions both "abuse of corpse" [37] which applies to a person, and "destroying a corpse or any part thereof" [37] which refers to an object. Therefore, the corpse is viewed as an unknown within these PSs. Data revealed that 5/41 of PSs view the corpse as an unknown. They are New Hampshire, New Jersey, North Carolina, Utah, and Wyoming.

4.5. Specification of Prohibited Acts in the 41 PSs

Data showed that not all PSs specify what particular acts are deemed unlawful involving decedents within their anti-necrophilia law? These PSs utilize vagueness, lack specificity, include extremely relative terms, and contain words that are unfixed in definition with regard to corpses. They mention no particular act such as mutilation, penetration, or the like whatsoever. For example, Pennsylvania's statute is worded as follows: "Treats a corpse in a way that he knows would outrage ordinary family sensibilities" [38]. Firstly, what would outrage one may not outrage another. Secondly, what is considered ordinary family sensibilities in the year 2025 when families differ drastically, as do their sensibilities. Data showed that 10/41 of the PSs utilize ambiguity such as this. They include Alabama, Colorado, Delaware, Kentucky, Maryland, North Dakota, Ohio, Oregon, Pennsylvania, and Virginia.

The data revealed that 31/41 of the PSs did, indeed, offer at least one particular with regard to prohibited acts. The most specific was Michigan in that the following is in their legislation: "Sexual penetration with a dead human body; Sexual penetration means entry into the dead human body's genital opening, anal opening, or mouth by the actor's penis, finger, tongue, or other object, or the touching of the dead human body's genital opening or organs by the actor's mouth or tongue; Sexual penetration may also be entry by any part of the actor's body or some object into the genital or anal opening of the dead human body. Any entry, no matter how slight, is sexual penetration. Sexual penetration occurs whether or not the sexual act was completed or whether or not semen was ejaculated" [39]. It is noteworthy that Michigan included the phrase "any entry, no matter how slight, is sexual penetration" [39] as to prevent defense attorneys from questioning what constitutes penetration. It is also of significant mention that Michigan included that "whether or not semen was ejaculated" [39] is irrelevant in order to deter a necrophile's lawyers from attempting the "he did not complete the act" defense. The states that offer, within their law, at least one particular with regard to prohibited acts are Alaska, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Washington, Wisconsin, and Wyoming.

4.6. Class(es) of Necrophiles against Whom the Corpse Is Protected in Each of the 41 PSs

By examining each PS's prohibited acts, the class(es) of necrophiles against whom the corpse is protected was established in accordance with Aggrawal's categorizations.

Any law that mentions the removal of any portion of a dead body protects the corpse against Class V—Fetishistic Necrophiles. Data showed that 2/41 of PSs do mention this within their law. They include Arizona and Mississippi.

Any law that utilizes words including, but not limited to, mutilation, destruction, and damage protects the corpse against Class VI—Necromutilomaniacs. Data showed that 17/41 of PSs include this within their law. They are Alaska, Arizona, Arkansas, California, Florida, Hawaii, Indiana, Louisiana, Maine, Mississippi, New Hampshire, New Jersey, North Carolina, Oklahoma, South Carolina, Wisconsin, and Wyoming.

Any law that includes specific sexual acts, sexual conduct, and the like protects the corpse against Class II—Romantic Necrophiles, Class VII—Opportunistic Necrophiles, Class VIII—Regular Necrophiles, and Class X—Exclusive Necrophiles, all of which were described in Chapter II, Section I. Data showed that 24/41 of PSs include these in their law. These PSs are Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Utah, Washington, and Wisconsin.

Since some PSs do not specify any prohibited acts in their anti-necrophilia laws, the type(s) of necrophile(s) against whom a corpse is protected cannot be determined. Data showed that 10/41 of the PSs fall under this category and include Alabama, Colorado, Delaware, Kentucky, Maryland, North Dakota, Ohio, Oregon, Pennsylvania, and Virginia.

4.7. Level of Crime in the 41 PSs

When an offender commits a crime, contingent upon that crime's severity, the individual is charged with either a misdemeanor or a felony. "A felony is considered to be a much more serious crime than a misdemeanor, and normally carries a longer sentence and higher penalties" [40].

According to the data, 27/41 of the PSs name necrophilia-related offenses as crimes at felony level. These PSs include Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Mississippi, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, and Wyoming.

Data revealed that 12/41 of the PSs name necrophilia-related offenses as crimes to be at misdemeanor level. These PSs are Alaska, Delaware, Hawaii, Louisiana, Maryland, Minnesota, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, and Wisconsin.

Data showed that 1/41 of the PSs, specifically Connecticut, determines the level of the crime based upon the age of the decedent's body. If the corpse was that of someone sixteen-years-old or greater in life, the offender will be charged with a misdemeanor. If the body was that of a fifteen-year-old or younger during life, the necrophile will be charged with a felony. This is likely due to the view that crimes against younger children are more heinous than if committed against an older juvenile or an adult.

Data also showed that 1/41 of the PSs, specifically California, does not charge a

necrophile with any crime, but instead with a violation because the act violates the state's health code, not their criminal code.

It is noteworthy that all PSs charge a necrophile with either a felony or a misdemeanor will do so at varying degrees. Each PS has their own set standards for what constitutes a felony or misdemeanor as Class A, B, C, etc. Additionally, some states don't use classes, but instead use numeric levels or numeric degrees.

4.8. Maximum Sentences in Each of the 40 PSs (Excludes California)

After a criminal court has convicted a necrophile, sentencing is the judge's next order of business. Courts have to determine a proper period of incarceration and/or an appropriate monetary penalty, and/or mandated psychiatric care. However, each judge must ensure that the punishment chosen does not surpass the state's established maximums regarding imprisonment and fines. Only the sanctions of 40 PSs were examined, excluding California, as necrophilia is a health code violation in that state rather than a criminal court matter.

For the 40 PSs included, with regard to imprisonment, some states are more lenient, some are moderate, and one in particular is stringent. Data showed that with regard to serving time, 28/40 of the PSs were considered more lenient in that their maximum incarceration time for a necrophilic crime ranges from thirty days to five years. These PSs include Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Virginia, Washington, Wisconsin, and Wyoming. It is worth noting that Wisconsin is the state with the 30-day maximum which is the least of all PSs. According to the data, 10/40 of the PSs were determined to be moderate in that their maximum imprisonment time for a necrophilic crime ranges from six years to fifteen years. These PSs are Alabama, Arkansas, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, Oklahoma, Rhode Island, and Tennessee. The data revealed that 1/40 of the PSs, specifically Nevada, was determined to be stringent, as this state's maximum imprisonment time for a necrophilic crime is life.

For the 40 PSs, with regard to monetary fines, some state fines are low, some are moderate, and some are high. Data showed that with regard to fines for necrophilic crime, 3/40 of the PSs, namely Georgia, Massachusetts, and North Carolina, do not impose a monetary fine at all. Data revealed that with regard to fines for necrophilic crime, 28/40 of the PSs were considered low in that their maximum dollar amounts ranged from \$500 to \$11,000. These PSs include Arkansas, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming. It is worth noting that four PSs tied for having the lowest monetary penalty of \$500 are Louisiana, Maryland, Michigan, and Wisconsin. According to the data, 4/40 of the PSs were

determined to be moderate in that their maximum fine for a necrophilic crime ranges from \$12,000 to \$50,000. These PSs are Alabama, Alaska, Idaho, and Nevada. The data revealed that 5/40 of the PSs were determined to be high, as these states have maximum monetary fine amounts for a necrophilic crime ranging from \$51,000 to \$150,000. They are Arizona, Colorado, Illinois, New Jersey, and Oregon. The fact that two PSs, namely Arizona and New Jersey, tied for having the highest monetary penalty of \$150,000 is worthy of noting.

While the court has the capacity to mandate an individual with necrophilia to frequent a psychiatrist within the confines of state departments of corrections (who can prescribe psychopharmaceuticals to eliminate his libido), no such mention was made in any state law requiring a judge to do so.

Comparisons and Contrasts: All Fifty States

State & law	Code/ caselaw specifics	Section & charge	Offense against whom/ what?	Categorizes corpse as person/ object	1) are prohibited acts named? 2) what is stated?	Issues with wording	Class(es) of necrophile against whom the corpse is protected	Crime level	Maximum sentence
Alabama AL Code §13A-11-13 (2024)	Alabama Code. Title 13A— Criminal Code. Chapter 11— Offenses Against Public Order and Safety. Article 1— Offenses Against Public Order and Decency.	§13A-11- 13— Abuse of Corpse	The Public	Person	1) No 2) Knowingly treats a human corpse in a way that would outrage ordinary family sensibilities.	“Ordinary Family Sensibilities” is a relative term.	Prohibited acts are too vague to determine.	Felony	<u>Incarceration</u> 10 years and/or <u>Fine</u> \$15,000 [41] [42]
Alaska AK Stat §11.61.130 (2024)	Alaska Statutes. Title 11— Criminal Law. Chapter 61— Offenses Against Public Order. Article 1— Offenses Related to Riot, Disorderly Conduct, Pornography, Indecency, Gangs, Corpses, or Animals.	§11.61.13 0— Miscon- duct	The Public	Person	1) Yes 2) To mutilate a corpse, to engage in sexual penetration of a corpse, to partake in misconduct involving a corpse.	The word “Misconduct” is not fixed in definition regarding corpses.	Class VI Necromutilo- maniacs	Mis- demeanor	<u>Incarceration</u> 1 year and/or <u>Fine</u> \$25,000 [43] [44]

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<p>Arizona AZ Rev Stat §32-1364 (2024)</p>	<p>Arizona Revised Statutes. Title 32— Professions and Occupations</p>	<p>§32- 1364— Crimes Against the Dead</p>	<p>Unspecified</p>	<p>Person</p>	<p>1) Yes 2) To mutilate a dead human body, to remove any part of a dead human body with malice or wantonness, to have sexual intercourse with a dead human body (penetration into the vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva), to have sexual contact with a dead human body (any direct or indirect touching, including oral contact, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object).</p>	<p>Class II— Romantic Class V— Fetishistic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive</p>	<p>Felony</p>	<p><u>Incarceration</u> 3.75 years and/or <u>Fine</u> \$150,000 [45]</p>
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<p>Arkansas AR Code §5-60-101 (2024)</p>	<p>Arkansas Code of 1987. Title 5— Criminal Offenses. Subtitle 6— Offenses Against Public Health, Safety, Or Welfare. Chapter 60— General Provisions. Subchapter 1— General Provisions.</p>	<p>§5-60- 101— Abuse of a Corpse</p>	<p>The Public</p>	<p>Person</p>	<p>1) Yes 2) Mutilates a corpse, physically mistreats a corpse in a manner offensive to a person of reasonable sensibilities.</p>	<p>“Reasonable Sensibilities” is a relative term and “Mistreats” is not fixed in definition regarding corpses.</p>	<p>Class VI— Necromutilo- maniacs</p>	<p>Felony</p>	<p><u>Incarceration</u> 10 years and/or <u>Fine</u> \$10,000 [46]</p>
<p>California CA Health & Safety Code 7052 (2024)</p>	<p>Health and Safety Code— HSC. Division 7— Dead Bodies. Part 1— General Provisions. Chapter 2— General Provisions</p>	<p>Section 7052— Violation of HSC 7052</p>	<p>Unspecified</p>	<p>Person</p>	<p>1) Yes 2) Willfully mutilates, commits an act of sexual penetration on, or has sexual contact with, remains known to be human ("Sexual penetration" means the unlawful penetration of the vagina or anus, however slight, by any part of a person's body or other object, or any act of sexual contact between the sex organs of a person and the mouth or anus of a dead body, or any oral copulation of a dead human body for the purpose of sexual arousal, gratification, or abuse.</p>	<p>Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive</p>	<p>Violation</p>	<p>Penalties Unknown (This is a breach of a Health and Safety Code, not a Criminal Code) [47]</p>	

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Colorado CO Rev Stat §18-13-101 (2024)	Colorado Revised Statutes. Title 18— Criminal Code. Article 13— Miscellaneous Offense.	§18-13- 101— Abuse of a Corpse	Unspecified	Person	1) No 2) Treats the body or remains of any person in a way that would outrage normal family sensibilities.	“Normal Family Sensibilities” is a relative term.	Prohibited acts are too vague to determine.	Felony	<u>Incarceration</u> 4 years and/or <u>Fine</u> \$100,000 [48] [49]
Connecticut 2005 CT Code §952.53a- 73a	2005 Connecticut Code. Title 53a— Penal Code. Chapter 952— Offenses.	§952.53a- 73a— Sexual Assault in the Fourth Degree	The Person	Person	1) Yes. 2) Engages in sexual contact with a dead body.		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Mis- demeanor or Felony (If Decedent Is Under the Age of 16)	<u>Incarceration</u> 5 years (Felony) or 364 days (Misdemeanor) and/or <u>Fine</u> \$5000 (Felony) or \$2000 (Misdemeanor) [50] [51]
Delaware 11 DE Code §1332 (2024)	Delaware Code. Title 11— Crimes and Criminal Procedure. Chapter 5— Specific Offenses. Subchapter VII—Offenses Against Public Health, Order and Decency.	§1332— Abusing a Corpse	The Public	Person	1) No 2) Treats a corpse in a way that a reasonable person knows would outrage ordinary family sensibilities.	“Reasonable Person” and “Ordinary Family Sensibilities” are relative terms.	Prohibited acts are too vague to determine.	Mis- demeanor	<u>Incarceration</u> 1 year and/or <u>Fine</u> \$2300 [52] [53]
Florida 2024 FL Stat §872.06	2021 Florida Statutes. Title XLVI— Crimes. Chapter 872— Offenses Concerning Dead Bodies and Graves.	§872.06— Abuse of a Dead Human Body	Unspecified	Person	1) Yes 2) Commits sexual abuse of a dead human body: Anal or vaginal penetration of a dead human body by the sexual organ of a person or by any other object;		Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 15 years and/or <u>Fine</u> \$10,000 [54] [55] [56]

Continued

					Contact or union of the penis, vagina, or anus of a person with the mouth, penis, vagina, or anus of a dead human body;				
					Contact or union of the penis, vagina, or anus of a person with the mouth, penis, vagina, or anus of a dead human body;				
					mutilation.				
					1) Yes				
					2) Performs any sexual act with a dead human body involving the sex organs of the one and the mouth, anus, penis, or vagina of the other.				
Georgia GA Code §16-6-7 (2024)	2024 Code of Georgia. Title 16—Crimes and Offenses. Chapter 6—Sexual Offenses.	§6-6-7—Necrophilia	The Person	Person					
						Class II—Romantic			<u>Incarceration</u>
						Class VII—Opportunistic			10 years and/or
						Class VIII—Regular	Felony		<u>Fine</u>
						Class X—Exclusive			None
									[57]
Hawaii HI Rev Stat §711-1108 (2024)	2024 Hawaii Revised Statutes. Title 37—Hawaii Penal Code. 711—Offenses Against Public Order.	§711-1108—Abuse of a Corpse	The Public	Person					
					1) Yes				
					2) Treats a human corpse in a way that the person knows would outrage ordinary family				
					“Ordinary Family Sensibilities” is a relative term.	Class II—Romantic			
						Class VI—Necromutilo-			<u>Incarceration</u>
						Class VII—Opportunistic	Mis-		1 year and/or
						Class VIII—Regular	demeanor		<u>Fine</u>
						Class X—Exclusive			\$1300
									[58] [59]

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<p>Idaho ID Stat §18-6603 (2022)</p>	<p>Idaho Statutes. Title 18— Crimes and Punishments. Chapter 66— Sex Crimes.</p>	<p>§18-6603 —Sexual Abuse of Human Remains</p>	<p>The Person</p>	<p>Person</p>	<p>sensibilities, including sexual contact (necrophilia) and physical abuse. 1) Yes 2) Engages in sexual contact with human remains— Sexual contact means any act committed between a person and human remains for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving genital- genital, oral-genital, anal-genital, oral-anal, manual- genital, or manual-anal contact between a person and human remains or penetration of the genitals or anus with an object, instrument, or device.</p>	<p>Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive</p>	<p>Felony</p>	<p><u>Incarceration</u> 5 years and/or <u>Fine</u> \$50,000 [60] [61]</p>
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Illinois IL Stat 720 §5/12-20.6	Illinois Statutes. Chapter 720— Criminal Offenses.	§5/12- 20.6— Abuse of a Corpse	Unspecified	Person	1) Yes 2) Intentionally engages in sexual conduct with a corpse or involving a corpse.		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 15 years maximum and/or <u>Fine</u> \$75,000 maximum [62]
Indiana IN Code §35-45-11-2 (2024)	2024 Indiana Code. Title 35— Criminal Law and Procedure. Article 45— Offenses Against Public Health, Order, and Decency. Chapter 11— Abuse of a Corpse.	§35-45- 11-2— Abuse of Corpse	The Public	Person	1) Yes 2) Knowingly or intentionally mutilates a corpse, has sexual intercourse or other sexual conduct with the corpse, opens a casket with the intent to commit an act described.		Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 2.5 years and/or <u>Fine</u> \$10,000 [63] [64]
Iowa IA Code §709.18 (2025)	Iowa Code 2025. Chapter 709— Sexual Abuse. a Corpse	§709.18— Sexual Abuse of a Corpse	The Person	Person	1) Yes 2) Knowingly and intentionally engages in a sex act with a human corpse.		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$10,245 [65] [66]
Kansas	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable		Not Applicable	N/A	Not Applicable
Kentucky KY Rev Stat §525.120 (2024)	Kentucky Penal Code. KY Revised Statutes. Title—L. Chapter 525—Riot, Disorderly Conduct, and Related Offenses.	§525.120 —Abuse of a Corpse	The Public	Person	1) No 2) Treats a corpse in a way that would outrage ordinary family sensibilities.	“Ordinary Family Sensibilities” is relative term.	Prohibited acts are too vague to determine.	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$10,000 [67] [68]

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Louisiana LA Rev Stat §14:101 (2011)	2011 Louisiana Revised Statutes. Title 14— Criminal Law—Offenses Affecting the Public Sensibility. Title 17-A: Maine Criminal Code. Part 2: Substantiative Offenses. Chapter 21: Offenses Against Public Order.	RS 14:101— Desecra- tion of Graves	The Public	Object	1) Yes 2) Intentionally mutilates the body or any part thereof.	Class VI— Necromutilo- maniacs	Mis- demeanor	<u>Incarceration</u> 6 months and/or <u>Fine</u> \$500 [69]	
Maine Maine Rev Stat §508 MSR Title 17-A (2024)	Maryland Code— Criminal Law. Title 10— Crimes Against Public Health, Conduct, and Sensibilities. Subtitle 4— Crimes Relating to Human Remains. §10-4— Cemetery— Destroying Funerary Objects; Indecent Conduct.	§21:508— Abuse of a Corpse	The Public	Person	1) Yes 2) Mutilates a human corpse.	Class VI— Necromutilo- maniacs	Felony	<u>Incarceration</u> 364 days and/or <u>Fine</u> \$2000 [70] [71]	
Maryland MD Criminal Code §10-404 (2025)	Maryland Code— Criminal Law. Title 10— Crimes Against Public Health, Conduct, and Sensibilities. Subtitle 4— Crimes Relating to Human Remains. §10-4— Cemetery— Destroying Funerary Objects; Indecent Conduct.	§10- 404— Indecent or Disorderly Conduct	The Public	Object	1) No 2) Engages in indecent or disorderly conduct in a cemetery.	Outside of graveyard parameters there is no violation of this code. The words “Indecent” and “Disorderly” are not fixed in definition regarding corpses.	Prohibited acts are too vague to determine.	Mis- demeanor	<u>Incarceration</u> 2 years and/or <u>Fine</u> \$500 [72]
Massa- chusetts Precedence Set— Comm. v. Waters, 420 Mass. 276 (1995)	Comm. v. Waters, 420 Mass. 276 (1995)	Aggrava- ted Rape	The Person	Person	1) Yes 2) An individual was convicted of aggravated rape after having sex with a deceased individual.	Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 15 years and/or <u>Fine</u> None [73] [74]	

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					<p>The court stated that “The evidence certainly warranted a finding beyond a reasonable doubt that the defendant had had sexual intercourse with the victim without her consent... In the circumstance of one continuous event, it does not matter whether the victim’s death preceded or followed the sexual attack.” (Mass.gov, 2025)</p>		
Michigan MI Compiled Laws— Section 750.160d	Michigan Compiled Laws. Chapter XXVI—Dead Human Bodies.	Section 750.160d—Sexual Contact with Dead Human Body; Misdemeanor; Sexual Penetration with Dead Human Body; Felony.	Unspecified	Person	<p>1) Yes 2) Sexual penetration with a dead human body. “Sexual penetration” means entry into the dead human body’s genital opening, anal opening, or</p>	Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	<p><u>Incarceration</u> 15 years and/or <u>Fine</u> \$500 [39] [75]</p>

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mouth by
the actor's
penis, finger,
tongue, or
other object,
or the
touching of
the dead
human
body's
genital
opening or
organs by
the actor's
mouth or
tongue.
Sexual
penetration
may also be
entry by any
part of the
actor's body
or some
object into
the genital
or anal
opening of
the dead
human
body. Any
entry, no
matter how
slight, is
sexual
penetration.
Sexual
penetration
occurs
whether or
not the
sexual act
was
completed
or whether
or not
semen was
ejaculated.

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Minnesota MN §609.294 (2024)	2024 Minnesota Statutes. Chapter 609— Criminal Code.	§609.294 Bestiality	Unspecified	Person	1) Yes 2) Carnally knows a dead body or an animal or bird.	Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Mis- demeanor	<u>Incarceration</u> 364 days and/or <u>Fine</u> \$3000 [76]
Mississippi MS Code §97-29-25 (2024)	Mississippi Code 1972 (2024). Title 97— Crimes. Chapter 29— Crimes Against Public Morals and Decency.	§97-29-25 - Desecrati on of Cemetery; Desecrati on of Human Corpse.	The Public	Object	1) Yes 2) Desecrate any corpse or remove remains of any human being.	Class II— Romantic Class V— Fetishistic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 3 years and/or <u>Fine</u> \$5000 [77]
Missouri	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	N/A	Not Applicable
Montana	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	N/A	Not Applicable
Nebraska	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	N/A	Not Applicable
Nevada NV Rev Stat §201.450 (2024)	Nevada Revised Statutes. Chapter 201— Crimes Against Public Decency and Good.	§201.450 — Unlawful Act	The Public	Person	1) Yes 2) Commits a sexual penetration on the dead body of a human being. Sexual penetration means cunnilingus, fellatio or any intrusion, however slight, of any part of a person's body or any object	Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> Life and/or <u>Fine</u> \$20,000 [78]

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					manipulated or inserted by a person into the genital or anal openings of the body of another, including, without limitation, sexual intercourse in what would be its ordinary meaning if practiced upon the living.			
New Hampshire NH Rev Stat §644:7 (2022)	2022 New Hampshire Revised Statutes. Title LXII—Criminal Code. Title 644—Breaches of the Peace and Related Offenses.	§644:7—Abuse of Corpse	The Public	Unknown	1) Yes 2) Destroys a corpse or any part thereof.	Class VI—Necromutilo- maniacs	Mis- demeanor	<u>Incarceration</u> 1 year and/or <u>Fine</u> \$2000 [79]
New Jersey NJ Rev Stat §2C:22-1 (2024)	2024 New Jersey Revised Statutes Title 2C—The New Jersey Code of Criminal Justice.	§2C:22-1—Disturb- ing, Desecrat- ing Human Remains; Offenses.	Unspecified	Unknown	1) Yes 2) Unlawfully desecrates, damages or destroys human remains; Commits an act of sexual penetration or sexual contact upon human remains.	Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 10 years and/or <u>Fine</u> \$150,000 [80] [81]

Continued

New Mexico	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable		Not Applicable	N/A	Not Applicable
	2024 New York Laws. Part 3— Specific Offenses. Title H— Offenses Against the Person Involving Physical Injury, Sexual Conduct, Restraint and Intimidation. Article 130— Sex Offenses.								
New York NY Penal L §130.20 (2024)	§130.20— Sexual Misconduct	The Person	Person		1) Yes 2) Engages in sexual conduct with an animal or a dead human body.		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Mis-demeanor	<u>Incarceration</u> 1 year and/or <u>Fine</u> \$1000 [82] [83]
					1) Yes 2) Willfully disturbs, vandalizes, or desecrates human remains, by any means, including any physical alteration or manipulation of the human remains, or commits or attempts to commit upon any human remains any act of sexual penetration.		Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 10 months and/or <u>Fine</u> None [84] [85]
North Carolina NC Gen Stat §14-401.22 (2023)	North Carolina General Statutes. Chapter 14— Criminal Law.	Unspecified	Unknown						
	§14-401.22— Concealment of Death; Disturbing Human Remains; Dismembering Human Remains								
North Dakota ND Century Code §12.1-20-12 (2024)	North Dakota Century Code. Title 12.1— Criminal Code. Article 20— Sex Offenses.	The Person	Person		1) No 2) Performs a deviate sexual act with the intent to arouse or gratify his sexual desire.	The word “Deviant” is not fixed in definition regarding corpses.	Prohibited acts are too vague to determine.	Mis-demeanor	<u>Incarceration</u> 365 days and/or <u>Fine</u> \$3000 [86] [87]

Continued

Ohio OH Rev. Codes §2927.01 (1996)	Ohio Revised Code. Title 29 Crimes and Procedure. Chapter 2927—Miscellaneous Offenses.	§2927.01 —Abuse of a Corpse	Unspecified	Person	1) No 2) Treats a human corpse in a way that the person knows would outrage reasonable family sensibilities and/or would outrage reasonable community sensibilities.	“Reasonable Family Sensibilities” and “Reasonable Community Sensibilities” are relative terms.	Prohibited acts are too vague to determine.	Mis-demeanor	<u>Incarceration</u> 60 days and/or <u>Fine</u> \$750 [88] [89]
Oklahoma 21 OK Stat §1161.1 (2024)	2024 Oklahoma Statutes. Title 21—Crimes and Punishments.	§1161.1. — Desecration of a Human Corpse	Unspecified	Object	1) Yes 2) Desecration of a human corpse—any act committed after the death of a human being including, but not limited to mutilation.	Class II— Romantic Class VI— Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 7 years and/or <u>Fine</u> \$8000 [90]	
Oregon OR Rev Stat §166.085 (2023)	Volume 4— Criminal Procedure and Crimes. Chapter 166— Offenses Against Public Order; Firearms and Other Weapons; Racketeering.	§166.085 —Abuse of Corpse in the Second Degree	The Public	Person	1) No 2) Treatment of a corpse by any person in a manner not recognized by generally accepted standards of the community.	“Generally Accepted Standards of the Community” is a relative term.	Prohibited acts are too vague to determine.	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$125,000 [91] [92]

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Pennsylvania 18 PA Cons Stat §5510 (2024)	Pennsylvania Consolidated & Unconsolidated Statutes. Title 18— Crimes and Offenses. Chapter 55— Riot, Disorderly Conduct and Related Offenses.	§5510— Abuse of Corpse	The Public	Person	1) No 2) Treats a corpse in a way that he knows would outrage ordinary family sensibilities	“Ordinary Family Sensibilities” is a relative term.	Prohibited acts are too vague to determine.	Mis- demeanor	<u>Incarceration</u> 2 years and/or <u>Fine</u> \$5000 [38] [93]
Rhode Island RI Gen L §11-20-1.2 (2012)	2012 Rhode Island General Laws. Title 11—Criminal Offenses. Chapter 11 - 20— Graves and Corpses.	§11-20- 1.2— Necro- philia	Unspecified	Person	1) Yes 2) Performs the act of first-degree sexual assault upon a dead human body. Sexual assault is defined as engaging in sexual penetration.		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 10 years and/or <u>Fine</u> \$10,000 [94]
South Carolina SC Code §16-17-600 (2024)	2024 South Carolina Code of Laws. Title 16— Crimes and Offenses. Chapter 17— Offenses Against Public Policy.	§16-17- 600— Destruc- tion or Desecra- tion of Human Remains or Reposi- tories; Liability of Crematory Operators; Penalties.	The Public	Object	1) Yes 2) Destroy or damage the remains of a deceased human being.		Class VI— Necromutilo- maniacs	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$5000 [95]
South Dakota	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable		Not Applicable	N/A	Not Applicable

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Tennessee TN Code §39-17-312 (2024)	2024 Tennessee Code Title 39— Criminal Offenses Chapter 17— Offenses Against Public Health, Safety and Welfare Part 3— Disorderly Conduct and Riots	§39-17- 312— Abuse of Corpse	The Public	Person	1)Yes 2) Physically mistreats a corpse in a manner offensive to the sensibilities of an ordinary person or engages in sexual contact with a corpse.	“Sensibilities of an Ordinary Person” is a relative term. *Mistreats* is not fixed in definition with regard to corpses.	Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 6 years and/or <u>Fine</u> \$3000 [96] [97]
Texas	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable		Not Applicable	N/A	Not Applicable
Utah UT Code §76-9-704 (2010)	Title 76—Utah Criminal Code. Chapter 09—Offenses Against Public Order and Decency.	§76-9- 704— Desecra- tion of a Dead Human Body	The Public	Unknown	1) Yes 2) Commits or attempts to commit upon any dead human body any act of sexual penetration, regardless of the sex of the actor and of the dead human body. “Sexual penetration” means penetration, however slight, of the genital or anal opening by any object, substance, instrument, or device, including a part of the human body, or		Class II— Romantic Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$5000 [98] [99]

Continued

					penetration involving the genitals of the actor and the mouth of the dead human body.				
Vermont	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable		Not Applicable	N/A	Not Applicable
Virginia	Code of Virginia. Title 18.2—Crimes and Offenses. Chapter 5—Crimes Against Property Article 5—Trespass to Realty.	§18.2-126—Violation of Sepulture; Defilement of a Dead Human Body	Property	Object	1) No 2) Willfully and intentionally defiles a dead human body.	*Defilement is not fixed in definition with regard to corpses.	Prohibited acts are too vague to determine.	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$2500 [100] [101]
Washington	Revised Code WA. §§9A.44.105 (2024)	RCW §9A.44.105—Sexually Violating Human Remains	Unspecified	Person	1) Yes 2) Sexual intercourse or sexual contact with a dead human body. Sexual intercourse a) has its ordinary meaning and occurs upon any penetration, however slight; and b) also means any penetration of the vagina or anus however slight, by an object, when committed on a dead human body, and		Class II—Romantic Class VII—Opportunistic Class VIII—Regular Class X—Exclusive	Felony	<u>Incarceration</u> 5 years and/or <u>Fine</u> \$10,000 [102] [103]

Continued

					c) also means any act of sexual contact between the sex organs of a person and the mouth or anus of a dead human body. Sexual contact means any touching by a person of the sexual or other intimate parts of a dead human body done for the purpose of gratifying the sexual desire of the person.			
West Virginia	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	N/A	Not Applicable
					1) Yes 2) Taking part in obscene sexual conduct including the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.			
Wisconsin WSL Code §944.21	Chapter 944—Crimes Against Sexual Morality. Subchapter IV—Obscenity.	§944.21—Obscene Material or Performance.	Undetermined	Person	*Obscene* is a relative term.	Class II—Romantic Class VI—Necromutilo- maniacs Class VII— Opportunistic Class VIII— Regular Class X— Exclusive	Mis-demeanor	<u>Incarceration</u> 30 days and/or <u>Fine</u> \$500 [104] [105]

Continued

	2024						
	Wyoming						
	Statutes.						
	Title 6—	§6-4-					
	Crimes and	502—					
	Offenses.	Mutilation					<u>Incarceration</u>
Wyoming	Chapter 4—	of Dead		1) Yes			5 years
WY Stat	Offenses	Human		2) Mutilates	Class VI—		and/or
§6-4-502	Against	Bodies;	The Public	Unknown	Necromutilo-	Felony	<u>Fine</u>
(2024)	Morals,	Conceal-		a dead	maniacs		\$10,000
	Decency and	ing a		human			[29]
	Family.	Felony;		body.			
	Article 5—	Penalties;					
	Desecrating	Exceptions					
	Graves and						
	Bodies.						

5. Conclusions

5.1. Permanency of Necrophilia Necessitates Federal Anti-Necrophilia Legislation in the US

The constancy and steadiness of necrophilia rearing its head within societies across the world for literally thousands of years proves that this offense is here to stay. The fact that the majority of first-world countries have already established anti-necrophilia laws within their legislation is indicative of the rationale that the United States should follow suit. This problem is not going away.

5.2. Nonexistence of Alignment and Congruency among State Legislation Necessitates Federal Anti-Necrophilia Legislation in the US

State governments within the US had no federal example to refer to when creating their anti-necrophilia laws, and therefore each state's law is massively different from another's. This study has proven this, as the data exhibits the following ten points: 1) Some states do not have an anti-necrophilia law while others do. 2) States that do have one house this law in different places. 3) Law specifics are completely dissimilar from one state to another. 4) Necrophiles are charged with completely different offenses from one state to the next. 5) Necrophilic offenses are considered as being either against the public, against the person, or against property depending upon the state in which the offense is committed. 6) Some states categorize the corpse as a person, while others do so as an object, while still others do not even make that determination at all. 7) What may be considered a necrophilic offense in one jurisdiction may not be in another depending upon the state's law. Additionally, some name particular prohibited acts while others do not. 8) Law verbiage displayed that some state laws protect a corpse against one class of necrophile while other states protect a corpse against many classes. 9) Some states label a necrophilic offense as a felony, some as a misdemeanor, and

one does so as a mere health code violation. 10) Imprisonment maximums range dramatically from thirty days in jail to a life sentence depending upon the state in which the offense was committed, and monetary fines range immensely from \$0 to \$150,000 depending upon the same.

The outcomes of this study exemplify that a federal anti-necrophilia law is obligatory for the US. Not only will it be purposeful for prosecuting necrophiles who cross state lines, but it will also serve as a template from which each state can create first-time laws or refurbish their own existing laws in order to achieve symmetry, fairness, and consideration among legalities and sentencing.

5.3. Suggestions for Federal Anti-Necrophilia Law

1) Establish corpse as a new category of being

The Federal Government of the United States should have an anti-necrophilia law within its criminal legislation. Nobody should have to wait for a case to come forth to set a federal precedence for anti-necrophilia law. While an anti-necrophilia law should also be included within federal health regulations, that is an argument for an exposure-focused pathologist to make.

The federal anti-necrophilia law should include verbiage that makes each state inclined to alter their current law to be less foggy. Since “in the eyes of law, a dead person is no longer considered to be a person, and a corpse is considered to be the property of no one” [28], dead bodies should be considered neither a person nor an object. Decedents should have their own *exclusive category of being* and this category should be called *corpse*, since a lifeless body is not a person and since a lifeless body is more than just any other object like a chair or a lamp. A living human is a person, an inanimate item is an object, and a decedent is a corpse. Federal anti-necrophilia law should be considered a crime against both the public and the corpse, and should be worded accordingly.

2) Inclusion of psychiatry in sentencing

While the states that had an anti-necrophilia law within their legislation determined their own maximum incarceration periods and monetary fine amounts, not one made included the requirement of psychiatric services as a part of their sentencing at all.

Necrophilic offenses do not occur as a result of financial desperation as in the cases of larceny, burglary, or robbery. Necrophilic offenses do not occur for reasons of revenge, gang violence, or romantic jealousy as in the cases of homicides. Necrophilic offenses do not occur to cover up another illegal activity or to receive a check from an insurance company as in the case of arson. Necrophiles are different. All necrophilic offenses are carried out by an individual who has a diagnosable mental disorder, and therefore, should be mandated to be under the care of a psychiatrist who will prescribe the proper psychopharmaceuticals to diminish the individual’s sex drive during the incarceration period. Additionally, with regard to the releasing of necrophiles back into society after the completion of their sentence, a stipulation of their parole should be to appear at an outpatient clinic—

daily if needed—to continue their medication regimen so that recidivism does not occur. Failure to do so will be deemed a parole violation which will land the individual back behind bars where the requirement of taking one’s psychopharmaceuticals can be enforced. Psychiatric care should be mandated in sentencing under the federal anti-necrophilia law, and states should follow this lead within their own legislation.

3) Consideration of the necrophile’s class (according to Aggrawal) for charging and sentencing purposes

The discussion of Tippet’s article in Section IV of Chapter II notes that regardless of a necrophile’s class according to Aggrawal’s categorization system, all necrophiles are sentenced the same across the board. This rings true across the states of the US that have an anti-necrophilia law. This is nonsensical in nature because the severity of the actual acts differs radically.

All necrophilic crime should be considered felony-level offenses. In fairness, Class VII—Opportunistic Necrophiliacs, Class VIII—Regular Necrophiliacs, and Class X—Exclusive Necrophiliacs should be handed down the stiffest sentences as they all take part in penetration of the corpse. Class V—Fetishistic Necrophiliacs (those who remove body parts and/or clothing from a corpse for sexual fetish purposes), and Class VI—Necromutilomaniacs (those who mutilate a corpse while masturbating) both do not engage in penetration and should, therefore, receive a less stiff sentence. While Class II—Romantic Necrophiliacs (those who are physically attached to the corpse of their beloved) do indeed partake in penetration, they are not a threat to other corpses and, hence, do not recidivate. For this reason, they should be handed down the most lenient sentence.

It is unfair to sentence a Class II—Romantic Necrophiliac, husband of the decedent for the past 50 years, to the same incarceration time and monetary fine as the Class X—Exclusive Necrophiliac who makes it a habit of having sex with the corpses at the funeral home that employs him as an embalmer. Mitigating circumstances matter when sentencing all other criminals, and should also be taken into consideration with necrophilic crime as well. Because of this, contemplation of necrophile classification should be written into the federal legislation.

4) Including all possible necrophilic acts within the federal law

By listing all possible physical acts of necrophilia into the United States’ anti-necrophilia law, it can be ensured that corpses remain protected against the following classes of necrophiles: Class II—Romantic, Class V—Fetishistic, Class VI—Necromutilomaniacs, Class VII—Opportunistic, Class VIII—Regular, and Class X—Exclusive. In order to do so, the following acts must be prohibited within the federal anti-necrophilia law: a) Removing of any piece of the corpse for sexual gratification purposes. b) Damaging a corpse for sexual gratification purposes by any means. c) Sodomy, oral sex, anal sex, and/or vaginal sex from corpse to necrophile or from necrophile to corpse.

5) Final thought and recommended verbiage

The United States government should, finally, be so motivated as to legislate an

anti-necrophilia law on the federal level so that necrophilic crimes become prosecutable offenses on the country-level. Additionally, individual states will have a template from which to design or redesign their own anti-necrophilia laws in an effort to terminate the immense variances that currently exist among the states now. The US Anti-Necrophilia Law and Sentencing Requirements should read as follows to ensure that all bases are covered:

a) Proposed Verbiage of Federal Anti-Necrophilia Law

A person commits the offense of necrophilia when: i) removing any piece of the corpse, regardless of body part and portion removed, for sexual gratification purposes, regardless of whether or not the sexual act was completed, whether or not semen was ejaculated, or whether or not orgasm was achieved by the necrophile and/or ii) damaging a corpse for sexual gratification purposes by any means and in any way, including but not limited to stabbing, slashing, puncturing, strangling, beating, tearing, shredding, mangling, disemboweling, or dismembering manually by hand or with tools, regardless of the duration of time, regardless of the level of damage caused, regardless of whether or not the sexual act was completed, whether or not semen was ejaculated, or whether or not orgasm was achieved by the necrophile and/or iii) sexually-motivated contacting and/or penetrating, no matter how slight and no matter the duration of time, the mouth, vagina, anus, or any other orifice of the corpse by the necrophile's penis, finger(s), tongue, and/or any other extremity regardless of whether or not the sexual act was completed, whether or not semen was ejaculated, or whether or not orgasm was achieved by the necrophile and/or iv) sexually-motivated contacting and/or penetrating, no matter how slight and no matter the duration of time, the mouth, vagina, anus, or any other orifice of the necrophile by the corpse's penis, finger(s), tongue, and/or any other extremity regardless of whether or not the sexual act was completed, whether or not semen was ejaculated, or whether or not orgasm was achieved by the necrophile and/or v) sexually-motivated contacting and/or penetrating, no matter how slight and no matter the duration of time, the mouth, vagina, anus, or any other orifice of the corpse by an object held by or controlled by the necrophile regardless of whether or not the sexual act was completed, whether or not semen was ejaculated, or whether or not orgasm was achieved by the necrophile.

b) Proposed Verbiage for Federal Sentencing Maximums

A person convicted of the offense of necrophilia shall be sentenced as follows in accordance with Aggrawal's classification system: Class VII—Opportunistic Necrophiliacs, Class VIII—Regular Necrophiliacs, and Class X—Exclusive Necrophiliacs will serve a maximum of five years in prison, pay a maximum monetary penalty of \$20,000, and be mandated to consistent psychiatric care which includes scheduled psychopharmaceutical treatment to dissolve libido according to the assigned medical doctor's opinion which must continue after the inmate's release. Class V—Fetishistic Necrophiliacs and Class VI—Necromutilomaniacs will serve a maximum of 2.5 years in prison, pay a maximum monetary penalty of \$10,000, and be mandated to consistent psychiatric care which includes scheduled psycho-

pharmaceutical treatment to dissolve libido according to the assigned medical doctor's opinion which must continue after the inmate's release. Class II—Romantic Necrophiliacs will receive time served, pay no fine, and be mandated to consistent inpatient to outpatient mental health care which includes grief counseling until a time in which the clinician is satisfied with the progress of the individual.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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