

SENATE BILL 721

E1

6lr2384

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Sale or Purchase of Human Remains – Penalties**

3 FOR the purpose of prohibiting a person from knowingly offering to purchase or sell,
4 purchasing or selling, or otherwise transferring human remains for valuable
5 consideration; providing penalties for a violation of this Act; providing for the
6 application of this Act; defining certain terms; and generally relating to the selling
7 and purchasing of human remains.

8 BY adding to

9 Article – Criminal Law

10 Section 10–405

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **10–405.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) (I) “HUMAN REMAINS” MEANS:**

20 **1. THE BODY OF A DECEASED PERSON; OR**

21 **2. A PART OF A BODY OR LIMB THAT HAS BEEN REMOVED**
22 **FROM A LIVING PERSON.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) "HUMAN REMAINS" INCLUDES A BODY OR PART OF A BODY**
2 **OR LIMB IN ANY STATE OF DECOMPOSITION.**

3 **(3) "VALUABLE CONSIDERATION" DOES NOT INCLUDE THE**
4 **REASONABLE COSTS ASSOCIATED WITH THE REMOVAL, STORAGE, AND**
5 **TRANSPORTATION OF HUMAN REMAINS.**

6 **(B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON**
7 **MAY NOT KNOWINGLY OFFER TO PURCHASE OR SELL, PURCHASE OR SELL, OR**
8 **OTHERWISE TRANSFER HUMAN REMAINS FOR VALUABLE CONSIDERATION.**

9 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
10 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A**
11 **FINE NOT EXCEEDING \$5,000 OR BOTH.**

12 **(D) THIS SECTION DOES NOT APPLY TO THE OBTAINING, USING, OR**
13 **DISPOSING OF HUMAN REMAINS FOR THE PURPOSE OF TEACHING OR OTHER**
14 **APPROPRIATE RESEARCH BY A GOVERNMENT AGENCY OR MEDICAL SCHOOL,**
15 **DENTAL SCHOOL, SCHOOL OF NURSING, OR OTHER UNIVERSITY RESEARCH OR**
16 **TEACHING UNIT THAT IS PART OF A REGULARLY ESTABLISHED OR CHARTERED**
17 **INSTITUTION OF HIGHER LEARNING IN THE STATE.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2016.**