

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 459  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Boozer” and substitute “Boozer, and Bromwell”.

AMENDMENT NO. 2

On page 1, strike beginning with “prohibiting” in line 3 down through “of” in line 4 and substitute “making it a felony to willfully destroy, mutilate, deface, injure, or remove”; in line 8, strike “prevent” and substitute “prohibit”; in line 9, strike “the removal of”; in line 10, strike “another location” and substitute “be moved”; in line 11, strike “and civil”; in line 12, after “penalties;” insert “exempting certain cemeteries from certain provisions of this Act; authorizing a court to issue an order of restitution if property of the victim was damaged or destroyed; providing that the District Court has concurrent jurisdiction with the circuit court in a criminal case which is a certain felony;”; in the same line, after “terms;” insert “altering a certain definition;”; and after line 13, insert:

“BY repealing and reenacting, without amendments,  
Article 27 - Crimes and Punishments  
Section 640(a) (1)  
Annotated Code of Maryland  
(1992 Replacement Volume and 1995 Supplement)”;

in line 16, after “267” insert “and 640(a)(11) and (b)(1)(i)”; and after line 18, insert:

“BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 4-301(b) and 4-302(a) and (d)  
Annotated Code of Maryland  
(1995 Replacement Volume and 1995 Supplement)”.

(Over)

AMENDMENT NO. 3

On page 2, in line 1, after “(3)” insert “(I)”; and after line 5, insert:

“(II) “BURIAL SITE” INCLUDES THE HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS THAT RESULT FROM A SHIPWRECK OR ACCIDENT AND ARE INTENTIONALLY LEFT TO REMAIN AT THE SITE.”.

AMENDMENT NO. 4

On page 2, in line 10, strike the second opening bracket; in the same line, strike “] LESS”; in line 11, strike the brackets; in the same line, strike “2”; and in lines 21 and 22, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 2, in lines 6, 18, and 34, in each instance, strike “(1)”; strike in their entirety lines 13 through 17, inclusive; strike in their entirety lines 23 through 26, inclusive; and on pages 2 and 3, strike in their entirety the lines beginning with line 40 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 6

On page 2, in line 28, after “OBJECT” insert “FROM A BURIAL SITE”; and strike beginning with “MAY” in line 31 down through “REMOVAL” in line 33, and substitute “IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH”.

AMENDMENT NO. 7

On page 2, in lines 11 and 12, strike “, IN ADDITION TO PAYING THE COST OF RESTORATION, REPLACEMENT, OR RESTITUTION”.

On page 3, after line 23, insert:

“640.

(a) (1) In this subtitle, the following words have the meanings indicated, unless the context of their use indicates otherwise.

(1) (I) “Victim”[:

(i) Means] MEANS a person who suffers personal injury, death, or property DAMAGE OR loss as a direct result of crime[; and].

(ii) [Includes,] “VICTIM” INCLUDES:

1. [in] IN the event of the death of a victim, the victim’s estate; OR

2. IF THE DEFENDANT IS CONVICTED UNDER § 267 OF THIS

ARTICLE:

A. THE OWNER OF THE BURIAL SITE; AND

B. AN INDIVIDUAL RELATED BY BLOOD OR MARRIAGE TO THE INDIVIDUAL BURIED IN THE BURIAL SITE.

(b) (1) On conviction of a crime, acceptance of a plea of nolo contendere, or imposition of probation before judgment under § 641 of this article, the court may issue an order of restitution directing the defendant to make restitution in addition to any other penalty for the commission of the crime, if:

(i) Property of the victim was stolen, DAMAGED, DESTROYED, converted, unlawfully obtained, or its value substantially decreased as a direct result of the crime;”.

AMENDMENT NO. 8

On page 3, before line 24, insert:

“Article - Courts and Judicial Proceedings

4-301.

(b) Except as provided in § 4-302, the District Court also has exclusive original jurisdiction

(Over)

in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common-law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of Article 27, § 141 of this Code, whether a felony or a misdemeanor;

(7) Violation of Article 27, § 145 of this Code, whether a felony or misdemeanor;

[or]

(8) Violation of Article 27, § 44 of the Code[.];

(9) Violation of Article 48A, § 233 of the Code, whether a felony or a misdemeanor;

[or]

(10) Violation of § 9-1106 of the Labor and Employment Article;

(11) VIOLATION OF ARTICLE 27, § 267 OF THE CODE, WHETHER A FELONY OR A MISDEMEANOR.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), [and] (10), AND (11) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) The jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(1) In which the penalty may be confinement for three years or more or a fine of \$2,500 or more; or

(2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), [and] (10), AND (11) of this subtitle.”.

AMENDMENT NO. 9

On page 3, after line 17, insert:

“(H) SUBSECTIONS (D), (E), AND (F) OF THIS SECTION DO NOT APPLY TO:

(1) A CEMETERY CORPORATION FORMED UNDER THE LAWS OF THIS STATE; OR

(2) AN ESTABLISHED CEMETERY, WHETHER INCORPORATED OR UNINCORPORATED, THAT IS OWNED AND OPERATED BY A COUNTY, MUNICIPAL CORPORATION, CHURCH, SYNAGOGUE, OR RELIGIOUS ORGANIZATION.”;

and in line 18, strike “(H)” and substitute “(I)”.