
By: **Delegate Petzold**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Graveyard Desecration - Discovered Disturbed Burial Sites**

3 FOR the purpose of requiring an individual who discovers a disturbed burial site to
4 report the discovery to certain persons within a certain period of time; requiring
5 certain persons who are notified of a discovery of a disturbed burial site to take
6 certain actions under certain circumstances; authorizing the establishment of
7 local burial sites advisory boards; providing certain penalties for willful failure
8 to report the discovery of human remains or a disturbed burial site and to
9 comply with certain specified procedures; providing for the construction of this
10 Act; defining certain terms; and generally relating to the disposition and
11 treatment of discovered disturbed burial sites.

12 BY renumbering

13 Article 27 - Crimes and Punishments
14 Section 267
15 to be Section 266
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1998 Supplement)

18 BY adding to

19 Article 27 - Crimes and Punishments
20 Section 267 to be under the new subheading "Disposition and Treatment of
21 Discovered Human Remains and Disturbed Burial Sites"
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 267 of Article 27 - Crimes and Punishments of the
26 Annotated Code of Maryland be renumbered to be Section(s) 266.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
28 read as follows:

1

Article 27 - Crimes and Punishments

2

**DISPOSITION AND TREATMENT OF DISCOVERED HUMAN REMAINS AND DISTURBED
BURIAL SITES**

3

4 267.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) (I) "ASSOCIATED FUNERARY OBJECT" MEANS AN ITEM OF HUMAN
8 MANUFACTURE OR USE THAT IS INTENTIONALLY PLACED WITH HUMAN REMAINS AT
9 THE TIME OF INTERMENT IN A BURIAL SITE OR PLACED LATER AS A PART OF A
10 DEATH RITE OR CEREMONY OF A CULTURE, RELIGION, OR GROUP.

11 (II) "ASSOCIATED FUNERARY OBJECT" INCLUDES ANY
12 GRAVESTONE, MONUMENT, TOMB, OR OTHER STRUCTURE IN OR DIRECTLY
13 ASSOCIATED WITH A BURIAL SITE.

14 (3) (I) "BURIAL SITE" MEANS ANY NATURAL OR PREPARED PHYSICAL
15 LOCATION, WHETHER ORIGINALLY LOCATED BELOW, ON, OR ABOVE THE SURFACE
16 OF THE EARTH INTO WHICH HUMAN REMAINS OR ASSOCIATED FUNERARY OBJECTS
17 ARE DEPOSITED AS A PART OF A DEATH RITE OR CEREMONY OF ANY CULTURE,
18 RELIGION, OR GROUP.

19 (II) "BURIAL SITE" INCLUDES A CEMETERY, GRAVEYARD, VAULT,
20 AND THE HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS THAT RESULT
21 FROM A SHIPWRECK OR OTHER ACCIDENT AND ARE INTENTIONALLY LEFT TO
22 REMAIN AT THE SITE OF THE SHIPWRECK OR OTHER ACCIDENT.

23 (4) "DISTURBED BURIAL SITE" INCLUDES A BURIAL SITE THAT HAS
24 BEEN:

25 (I) UNINTENTIONALLY DISTURBED DURING THE PROCESS OF
26 DEVELOPMENT;

27 (II) DISTURBED BY NATURAL CAUSES SUCH AS FLOOD OR
28 EARTHQUAKE; OR

29 (III) DISTURBED WILLFULLY IN VIOLATION OF § 265 OR § 266 OF THIS
30 ARTICLE.

31 (B) ANY PERSON WHO DISCOVERS IN OR ON THE GROUND A DISTURBED
32 BURIAL SITE SHALL:

33 (1) IMMEDIATELY CEASE ANY ACTIVITY IN THE IMMEDIATE AREA AND
34 CREATE WITHIN A 20-FOOT RADIUS OF THE IMMEDIATE AREA OF THE DISCOVERY A
35 BUFFER ZONE TO PREVENT FURTHER DISTURBANCE TO THE HUMAN REMAINS OR
36 THE BURIAL SITE; AND

1 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, NOTIFY A LAW
2 ENFORCEMENT OFFICER IN THE COUNTY WHERE THE DISCOVERY WAS MADE OF
3 THE PRESENCE AND EXACT LOCATION OF THE DISCOVERY WITHIN 24 HOURS OF THE
4 DISCOVERY.

5 (C) THE STATE'S ATTORNEY SHALL NOTIFY THE MARYLAND HISTORICAL
6 TRUST ABOUT THE DISCOVERY OF HUMAN REMAINS IF:

7 (1) THE DISCOVERY WAS MADE DURING AN INVESTIGATION DIRECTED
8 BY A PROFESSIONAL ARCHAEOLOGIST IN ACCORDANCE WITH FEDERAL STANDARDS
9 PROVIDED IN 36 CFR PART 61, APPENDIX A; OR

10 (2) THE DISTURBED BURIAL SITE IS DISCOVERED ON STATE-OWNED OR
11 STATE-CONTROLLED LAND.

12 (D) THE LAW ENFORCEMENT OFFICER IN COOPERATION WITH THE
13 MARYLAND HISTORICAL TRUST SHALL PROMPTLY:

14 (1) NOTIFY THE OWNER OF THE PROPERTY WHERE THE DISTURBED
15 BURIAL SITE IS LOCATED OF THE DISCOVERY AND THE APPLICABLE PROVISIONS OF
16 THIS SECTION;

17 (2) INSPECT, OR HAVE INSPECTED BY AN AUTHORIZED AGENT, THE
18 DISTURBED BURIAL SITE OR ANY HUMAN REMAINS FOUND ON THE DISTURBED
19 BURIAL SITE TO DETERMINE, TO THE EXTENT POSSIBLE FROM READILY AVAILABLE
20 INFORMATION, THE AGE AND ANY OTHER IDENTIFYING INFORMATION OF THE
21 REMAINS OR BURIAL SITE;

22 (3) ASSIST IN PREVENTING OR MITIGATING ANY FURTHER DAMAGE TO
23 OR DISTURBANCE OF THE HUMAN REMAINS OR THE BURIAL SITE, INCLUDING
24 APPROPRIATION AND CARE OF THE HUMAN REMAINS UNTIL FINAL DISPOSITION IS
25 DETERMINED AS PROVIDED BY LAW;

26 (4) ENTER THE LOCATION OF THE BURIAL SITE INTO THE LOCAL BURIAL
27 SITES INVENTORY, IF AVAILABLE, OR INTO WHATEVER INVENTORY OR LISTING THE
28 MARYLAND HISTORICAL TRUST DETERMINES IS APPROPRIATE; AND

29 (5) REPORT THE LOCATION OF THE BURIAL SITE TO THE LOCAL
30 SUPERVISOR OF ASSESSMENTS AS PROVIDED IN § 14-121(F) OF THE REAL PROPERTY
31 ARTICLE.

32 (E) THE PROCEDURES OUTLINED IN THIS SECTION SHALL BE COMPLETED
33 WITHIN 10 DAYS FROM THE DATE OF THE DISCOVERY.

34 (F) THE FINAL DISPOSITION AND TREATMENT OF THE DISCOVERED HUMAN
35 REMAINS OR DISTURBED BURIAL SITE SHALL BE IN ACCORDANCE WITH STATE LAW.

36 (G) A PERSON WHO WILLFULLY VIOLATES ANY PROVISION OF THIS
37 SUBHEADING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A
38 FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

1 (H) A COUNTY OR BALTIMORE CITY MAY ESTABLISH A LOCAL BURIAL SITES
2 ADVISORY BOARD TO MAINTAIN A CURRENT INVENTORY OF BURIAL SITES WITHIN
3 THEIR JURISDICTION AND TO SERVE AS A SOURCE OF INFORMATION AND
4 ASSISTANCE REGARDING BURIAL SITES AND THE DISPOSITION OF HUMAN REMAINS
5 AND ASSOCIATED FUNERARY OBJECTS.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is not intended to
7 limit the authority of the legislative body of a county, including Baltimore City, or a
8 municipal corporation to provide or encourage the protection of burial sites in
9 accordance with State law.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1999.