

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 451 (Senators McCabe and Hafer)

Judicial Proceedings

Human Remains - Removal from Burial Sites - Authorization and Procedures

This bill expands current law relating to the State's Attorney's authority to permit the removal of human remains and to the unlawful removal of human remains from burial sites. Under current law, a State's Attorney may authorize the removal of human remains for the purpose of determining the cause of death or to reinter the remains elsewhere, and a person who unlawfully removes or attempts to remove human remains is guilty of a misdemeanor and must be sentenced to the penitentiary for not less than five or more than 15 years. The bill maintains the criminal penalty provisions but outlines the circumstances in which a State's Attorney may authorize removal, including: (1) to ascertain the cause of death; (2) to determine whether the human remains were interred erroneously; (3) to reinter the remains at the request of a person in interest; and (4) to conduct a medical or scientific examination or study. If a person in interest wants to remove human remains, the person in interest must advertise in the local paper to notify the public of the relocation. Any remains that are removed must be reinterred in a permanent cemetery, or, with the agreement of the person in interest, in another location. The location and final disposition of the remains must be recorded in the local burial sites inventory or the inventory the Maryland Historical Trust determines is appropriate.

Fiscal Summary

State Effect: None. The bill's requirements do not significantly affect State finances or operations.

Local Effect: None. The bill's requirements can be handled with existing local jurisdiction resources.

Small Business Effect: None.

Fiscal Analysis

Local Effect: The bill gives the State's Attorney authority to permit the removal of human remains in two new situations: (1) to determine if the remains were interred incorrectly; or (2) to conduct a medical or scientific study. If a person in interest requests removal of human remains, the State's Attorney must confirm that the person in interest has advertised in the local jurisdiction. State's Attorneys currently handle disinterment and reinterment issues; any increase in requests pursuant to this bill is expected to be negligible and could be handled with existing local government resources.

Information Source(s): Department of Health and Mental Hygiene (Board of Morticians), Prince George's County, Howard County, Caroline County (State's Attorney's Office), Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 1999

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