

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Senate Bill 452 (Senators McCabe and Hafer)

Judicial Proceedings

Graveyard Desecration - Discovered Human Remains and Disturbed Burial Sites

This bill requires persons who discover a disturbed burial site to: (1) immediately cease any activity in the immediate area; (2) create a buffer zone around the area to prevent further disturbance to the human remains or burial site; and (3) notify a law enforcement officer of the presence and location of the burial site within 24 hours of discovery. The bill requires the State's Attorney to notify the Maryland Historical Trust of the discovery if it was made during an investigation directed by a professional archaeologist or discovered on State-owned or State-controlled land. The law enforcement officer and the Maryland Historical Trust must: (1) inspect the site to determine the age and any other identifying information about the burial site; (2) assist in preventing or mitigating any further damage or disturbance to the human remains; (3) record the location of the burial site in the local burial sites inventory; and (4) report the burial site to the local supervisor of assessments. The procedures outlined in the bill must be completed within ten days of discovery. Any person who willfully violates any provision of the bill is subject to a fine not exceeding \$500 or imprisonment not exceeding six months or both. A county or Baltimore City may establish a local burial sites advisory board to maintain a current inventory of burial sites within their jurisdiction and to assist in the disposition of human remains and associated funerary objects.

Fiscal Summary

State Effect: None. Any increase in record keeping and site visits can be handled with existing resources of the Department of Housing and Community Development.

Local Effect: The bill's requirements could be handled with existing resources.

Small Business Effect: Potential minimal. Construction firms that are small businesses may incur costs from construction delays if a burial site is discovered during construction.

Fiscal Analysis

Local Effect: Under the bill's requirements, local government officials are required to secure and inspect a disturbed burial site and report its discovery to the Maryland Historical Trust and the local supervisor of assessments. Most of these functions are already performed by local governments and any additional reports or inspections could be handled with existing resources.

The criminal penalty provisions of the bill are not expected to significantly affect local expenditures or revenues.

Information Source(s): Department of Health and Mental Hygiene (Board of Morticians), Prince George's County, Montgomery County, Maryland Historical Trust, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 1999
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