

HOUSE BILL 58

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2000 Regular Session
0lr0426
CF 0lr0425

(PRE-FILED)

By: **Delegates Cadden, Sophocleus, Rosso, Rzepkowski, Boschert, Leopold,
and Love**

Requested: August 25, 1999

Introduced and read first time: January 12, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Failure of Duty to Report Death - Penalties**

3 FOR the purpose of requiring certain individuals who have personal knowledge of the
4 death of another or who have personally discovered the body of another
5 individual to provide certain notice of the death of a certain individual within a
6 certain time period to a law enforcement officer, physician, 911 system, or
7 medical examiner under certain circumstances; providing for the application of
8 this Act; establishing certain penalties; and generally relating to notice of the
9 death of certain individuals under certain circumstances.

10 BY repealing and reenacting, without amendments,
11 Article - Health - General
12 Section 5-101
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1999 Supplement)

15 BY adding to
16 Article - Health - General
17 Section 5-203
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1999 Supplement)

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

22 **Article - Health - General**

23 5-101.

24 In this title, "body" means a dead human body.

1 5-203.

2 (A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:

3 (1) HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR
4 RESPONSIBILITY FOR SUPERVISION OR CARE OF THE INDIVIDUAL WHO IS THE
5 DECEASED;

6 (2) IS A SPOUSE, PARENT, OR ADULT CHILD OF THE DECEASED; OR

7 (3) IS A MEMBER OF THE HOUSEHOLD OF THE DECEASED.

8 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO HAS
9 PERSONAL KNOWLEDGE OF THE DEATH OF ANOTHER INDIVIDUAL OR WHO HAS
10 PERSONALLY DISCOVERED THE BODY OF ANOTHER INDIVIDUAL SHALL PROVIDE, IN
11 PERSON OR BY TELEPHONE, NOTICE OF THE DEATH WITHIN 24 HOURS AFTER
12 ACQUIRING PERSONAL KNOWLEDGE OR DISCOVERY OF THE DEATH TO:

13 (1) A LAW ENFORCEMENT OFFICER AS DEFINED IN ARTICLE 27, § 727 OF
14 THE CODE;

15 (2) A PHYSICIAN WHO HAS PROVIDED MEDICAL TREATMENT TO THE
16 DECEASED INDIVIDUAL WITHIN 30 DAYS PRIOR TO THE KNOWLEDGE OR DISCOVERY
17 OF THE DEATH;

18 (3) A 911 SYSTEM OR PUBLIC SAFETY ANSWERING POINT AS THOSE
19 TERMS ARE DEFINED IN ARTICLE 41, § 18-101 OF THE CODE; OR

20 (4) A MEDICAL EXAMINER.

21 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL
22 WHO HAS A REASONABLE BELIEF THAT NOTICE OF THE DEATH HAS BEEN
23 PREVIOUSLY MADE UNDER SUBSECTION (B) OF THIS SECTION.

24 (D) AN INDIVIDUAL WHO FAILS TO PROVIDE NOTICE AS REQUIRED UNDER
25 SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
26 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT
27 EXCEEDING \$500 OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.