
By: **Delegates Finifter and Conroy**
Introduced and read first time: February 11, 2000
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cemeteries - Veterans Organizations - Removable Decals on Headstones**

3 FOR the purpose of authorizing certain veterans organizations to affix certain decals
4 to the headstones of deceased veterans; requiring the veterans organizations to
5 make reasonable efforts to locate the owner of the burial space prior to affixing
6 the decal; prohibiting a criminal penalty or civil liability to be levied against a
7 member of a veterans organization or a veterans organization for certain
8 actions; and generally relating to the placement of removable decals on the
9 headstones of deceased veterans by veterans organizations.

10 BY adding to
11 Article - Business Regulation
12 Section 5-803
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 267
18 Annotated Code of Maryland
19 (1996 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 - Business Regulation**

23 5-803.

24 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, A VETERANS
25 ORGANIZATION DESIGNATED IN § 9-907(A)(2)(IV) OF THE STATE GOVERNMENT
26 ARTICLE MAY AFFIX UPON THE HEADSTONE OF A DECEASED VETERAN A
27 REMOVABLE DECAL THAT IDENTIFIES THE DECEASED VETERAN AS A MEMBER OF
28 THAT VETERANS ORGANIZATION.

1 (B) (1) A VETERANS ORGANIZATION SHALL MAKE A REASONABLE EFFORT
2 TO LOCATE THE OWNER OF THE BURIAL SPACE AND TO OBTAIN PERMISSION FROM
3 THE OWNER FOR THE PLACEMENT OF THE DECAL PRIOR TO AFFIXING THE DECAL
4 UPON THE HEADSTONE.

5 (2) (I) THE VETERANS ORGANIZATION SHALL MAINTAIN RECORDS OF
6 ALL ATTEMPTS TO LOCATE THE OWNER OF THE BURIAL SPACE.

7 (II) IF THE OWNER OF THE BURIAL SPACE IS LOCATED, THE
8 VETERANS ORGANIZATION SHALL OBTAIN WRITTEN AUTHORIZATION FROM THE
9 OWNER TO AFFIX THE DECAL TO THE HEADSTONE PRIOR TO PLACEMENT OF THE
10 DECAL.

11 (III) IF THE OWNER OF THE BURIAL SPACE IS NOT LOCATED WITHIN
12 180 DAYS OF THE FIRST DOCUMENTED ATTEMPT TO LOCATE THE OWNER, THE
13 VETERANS ORGANIZATION MAY AFFIX THE DECAL TO THE HEADSTONE WITH NO
14 FURTHER ATTEMPT TO LOCATE THE OWNER OF THE BURIAL SITE.

15 (C) A MEMBER OF A VETERANS ORGANIZATION OR A VETERANS
16 ORGANIZATION MAY NOT BE SUBJECT TO CRIMINAL PENALTIES OR CIVIL LIABILITY
17 FOR ANY ACTION PERMITTED UNDER THIS SECTION.

18 **Article 27 - Crimes and Punishments**

19 267.

20 (a) Any person who wilfully destroys, mutilates, defaces, injures, or removes
21 any tomb, monument, gravestone, or other structure placed in any cemetery, or any
22 building, wall, fence, railing, or other work, for the use, protection, or ornamentation
23 of any cemetery in this State is guilty of a misdemeanor and shall be fined not more
24 than \$5,000, or imprisoned for not more than 3 years, or both.

25 (b) Any person who wilfully destroys, cuts, breaks, or removes any tree, plant,
26 or shrub in any cemetery in this State, or who is found guilty of indecent or disorderly
27 conduct within said limits, shall be guilty of a misdemeanor, and shall be fined not
28 more than \$500, or imprisoned for not more than 2 years, or both.

29 (c) Nothing in this section shall be construed to prohibit the removal of the
30 remains of any human body, or of any monument, gravestone, or other marker from
31 an abandoned cemetery, provided that the prior consent in writing of the State's
32 Attorney of the county or of Baltimore City shall have been secured and provided
33 further that such remains, monuments, gravestone, or other marker is placed in an
34 accessible place in a permanent cemetery.

35 (D) SUBJECT TO THE PROVISIONS OF § 5-803 OF THE BUSINESS REGULATION
36 ARTICLE, VETERANS ORGANIZATIONS DESIGNATED IN § 9-907(A)(2)(IV) OF THE STATE
37 GOVERNMENT ARTICLE MAY AFFIX UPON THE HEADSTONE OF A DECEASED
38 VETERAN A REMOVABLE DECAL THAT IDENTIFIES THE DECEASED VETERAN AS A
39 MEMBER OF THAT VETERANS ORGANIZATION.

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