

**Department of Legislative Services**  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

House Bill 364 (Delegates Petzold and Bozman)  
Judiciary

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**Graveyard Desecration - Discovered Human Remains and Disturbed Burial Sites**

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This bill requires a person who discovers any human remains or a disturbed burial site to immediately cease any activity in the immediate area and create a 20-foot buffer zone around any discovery to prevent further disturbance to the human remains or burial site. The person making the discovery must notify a law enforcement agency of the discovery and its exact location within 24 hours of the time of discovery. The law enforcement agency must notify the State's Attorney, the State Medical Examiner, other affected local authorities, and in certain circumstances, the Maryland Historical Trust. The appropriate authorities will then notify the property owners; inspect the site to make an identification and determine its age; prevent further disturbance to the remains and the site; record the location; and report the location to the local Supervisor of Assessments. These procedures must be completed within ten days of the discovery, and the final disposition of the remains or the burial site must be in accordance with State law. 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.

Violators are guilty of a misdemeanor and subject to a maximum penalty of a \$500 fine, imprisonment for six months, or both.

This bill is not to be construed to limit the authority of any local jurisdiction to provide or encourage the protection of burial sites in accordance with State law.

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## Fiscal Summary

**State Effect:** Any increase in record keeping and site visits could be handled with the existing resources of the Department of Housing and Community Development. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** The bill's reporting and notification requirements could be handled with existing resources. The bill's incarceration penalty is not expected to materially affect local expenditures.

**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.

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## Analysis

**Current Law:** Unless authorized by the appropriate State's Attorney, it is unlawful to knowingly remove, attempt to remove, sell, buy, or transport a dead body, human remains, monuments, structures, trees, or shrubs from a graveyard, cemetery, burial ground, or vault. Violators are guilty of a misdemeanor and subject to the following maximum penalties: (1) unauthorized, willful removal of a dead body -- five to 15 years imprisonment; (2) unlawful removal of human remains or funerary objects -- \$5,000 fine or imprisonment for one year, or both; (3) unlawfully disturbing structures in a cemetery -- \$5,000 fine or imprisonment for three years, or both; and (4) knowingly disturbing plants or trees in a cemetery without consent -- maximum fine of \$500 fine or imprisonment for two years, or both. Unintentional or accidental discovery of a body or human remains and the prompt notification to authorities is not addressed.

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## Additional Information

**Prior Introductions:** Substantially similar legislation was introduced as HB 817 in 1999, but was withdrawn after a hearing in the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Housing and Community Development, Allegany County, Maryland Historical Trust, Prince George's County, Montgomery County, Office of State's Attorney Coordinator, State's Attorney, Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2000  
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