

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

House Bill 58 (Delegate Cadden. *et al.*)

Environmental Matters

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**Health - Failure to Properly Bury or Dispose of a Body - Penalties**

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This bill provides that an individual may only bury or dispose of a dead human body in a family burial plot or other area allowed by local ordinance, a crematorium, a cemetery, or a funeral establishment. Violators are guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to one year.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

**Local Effect:** Potential minimal increase in expenditures due to the bill's incarceration penalty provision.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The practice of mortuary science without a license is prohibited, but there are no statutes addressing the proper disposal of a human body or associated penalties.

**Background:** The lack of specific laws addressing the disposal of human remains has created concern in Maryland resulting from two recently reported cases involving the disposal of human remains as well as the timely notification of death to proper authorities.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2001 are estimated to range from \$11 to \$54 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

**Local Expenditures:** Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$22 to \$83 per inmate in fiscal 2001.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 13 (Senator Baker, *et al.*) - Judicial Proceedings.

**Information Source(s):** Department of Health and Mental Hygiene (Office of the Chief Medical Examiner), Department of Legislative Services

**Fiscal Note History:** First Reader - January 21, 2000  
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