

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE  
Revised

House Bill 293 (Delegate Cadden, *et al.*)

Environmental Matters

Judicial Proceedings

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

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This bill provides that unless otherwise authorized by law, an individual may only bury or dispose of a body in a family or bona fide religious burial plot or other area allowed by local ordinance, a crematorium, a cemetery, or a funeral establishment. This bill does not apply to the disposal of cremains. 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 reported cases involving the disposal of human remains.

**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 2002 are estimated to range from \$9 to \$52 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 \$288 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 \$17 to \$77 per inmate in fiscal 2002.

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### Additional Information

**Prior Introductions:** This bill was introduced during the 2000 session as HB 58. It passed the House, but was not reported from the Senate Judicial Proceedings Committee.

**Cross File:** SB 299 (Senator DeGrange, *et al.*) – Judicial Proceedings.

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

**Fiscal Note History:** First Reader – February 1, 2001  
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