
By: **Delegates Petzold and Bozman**
Introduced and read first time: February 9, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Destroying Funerary Objects - Revisions**

3 FOR the purpose of repealing the element of willfulness in certain prohibitions
4 relating to the destruction of funerary objects; providing that a certain
5 prohibition against destruction of funerary objects does not prohibit certain
6 maintenance activities; repealing, from the prohibition against destruction of
7 funerary objects, a certain exception relating to the removal of human remains
8 or funerary objects from abandoned cemeteries; and generally relating to the
9 prohibition against destruction of funerary objects.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 10-404
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

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

17 **Article - Criminal Law**

18 10-404.

19 (a) A person may not [willfully] destroy, damage, deface, or remove:

20 (1) an associated funerary object or another structure placed in a
21 cemetery; or

22 (2) a building, wall, fence, railing, or other work, for the use, protection,
23 or ornamentation of a cemetery.

24 (b) (1) [A] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
25 SUBSECTION, A person may not [willfully] destroy, damage, or remove a tree, plant,
26 or shrub in a cemetery.

1 (2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT
2 PROHIBIT NORMAL HORTICULTURAL MAINTENANCE OF A CEMETERY OR BURIAL
3 SITE, INCLUDING TRIMMING OF TREES AND SHRUBS, REMOVAL OF WEEDS OR
4 NOXIOUS GROWTHS, GRASS CUTTING, OR OTHER ROUTINE CARE AND
5 MAINTENANCE.

6 (c) A person may not engage in indecent or disorderly conduct in a cemetery.

7 (d) A person who violates this section is guilty of a misdemeanor and on
8 conviction is subject to:

9 (1) for a violation of subsection (a) of this section, imprisonment not
10 exceeding 5 years or a fine not exceeding \$10,000 or both; and

11 (2) for a violation of subsection (b) or (c) of this section, imprisonment not
12 exceeding 2 years or a fine not exceeding \$500 or both.

13 [(e) This section does not prohibit the removal of human remains or a funerary
14 object from an abandoned cemetery if:

15 (1) the removal is authorized in writing by the State's Attorney of the
16 county in which the cemetery containing the human remains or funerary object is
17 located; and

18 (2) the human remains or funerary object are placed in an accessible
19 place in a permanent cemetery.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.