

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 817
Judiciary

(Delegates Petzold and Bozman)

Criminal Law - Destroying Funerary Objects - Revisions

This bill revises the law relating to destroying funerary objects and removing human remains or funerary objects from an abandoned cemetery.

Fiscal Summary

State Effect: Because it is assumed that this bill would apply in a small number of cases, State finances should not be affected.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the requirement that willfulness be an element of the offense of destruction, damage, defacement, or removal of an associated funerary object or other structure placed in a cemetery; or a building, wall, fence, railing, or other work, for the use, protection or ornamentation of the cemetery.

The prohibition against destroying, damaging, or removing a tree, plant, or shrub in a cemetery does not apply to normal horticultural maintenance, including trimming trees and shrubs, removing weeds or noxious growths, cutting grass, or other routine care and maintenance.

The bill also deletes duplicitous language requiring that human remains or funerary objects be removed from an abandoned cemetery only if the removal is authorized in

writing by the State's Attorney of the county in which the cemetery is located, and the remains or objects are placed in an accessible place in a permanent cemetery. This subject is covered in another section of the criminal law that prohibits removing human remains without authority.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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lc/jr

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