

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 410
Judiciary

(Delegate Petzold, *et al.*)

Judicial Proceedings

Criminal Law - Destroying Funerary Objects - Revisions

This bill provides that the prohibition against willfully damaging or removing funerary objects and other cemetery structures does not bar the removal of a funerary object (or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site) for the purpose of repair or replacement, at the request or permission of the deceased person's heirs or descendants or the owner or manager of the cemetery or burial site.

Fiscal Summary

State Effect: None. The bill's changes are not expected to significantly affect State finances or operations.

Local Effect: None. The bill's changes are not expected to significantly affect local finances or operations.

Small Business Effect: None.

Analysis

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

Current Law: A person may not willfully destroy, damage, deface, or remove: (1) an associated funerary object or another structure placed in a cemetery; or (2) a building,

wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery. A person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000.

Additional Information

Prior Introductions: HB 817 of 2004, a similar bill, received a hearing before the Judiciary Committee and had no further action taken on it.

Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2005
mp/jr Revised - House Third Reader - March 24, 2005

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