

HOUSE BILL 353

E1

8lr1129

By: **Delegates Rosenberg, Branch, Glenn, Harrison, and Oaks**

Introduced and read first time: January 25, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2008

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Restitution~~ Destruction of Funerary Objects and Limit on**
3 **~~Judgment for Acts of Child – Restitution~~**

4 FOR the purpose of requiring a person who violates a certain prohibition against
5 destroying funerary objects to ~~restore or pay the full value~~ pay for the
6 restoration of certain property to a certain owner; ~~increasing the absolute limit~~
7 ~~of a judgment of restitution for a child's acts arising out of a single incident~~; and
8 generally relating to ~~restitution~~ destruction of funerary objects.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–404
12 Annotated Code of Maryland
13 (2002 Volume and 2007 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article – Criminal Procedure~~
16 ~~Section 11–604~~
17 ~~Annotated Code of Maryland~~
18 ~~(2001 Volume and 2007 Supplement)~~

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

21 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-404.

2 (a) (1) Subject to the provisions of paragraph (2) of this subsection, a
3 person may not willfully destroy, damage, deface, or remove:

4 (i) an associated funerary object or another structure placed in
5 a cemetery; or

6 (ii) a building, wall, fence, railing, or other work, for the use,
7 protection, or ornamentation of a cemetery.

8 (2) The provisions of paragraph (1) of this subsection do not prohibit
9 the removal of a funerary object or a building, wall, fence, railing, or other object
10 installed for the use, protection, or ornamentation of a cemetery or burial site, for the
11 purpose of repair or replacement, either at the request of or with the permission of
12 heirs or descendants of the deceased or the owner or manager of the cemetery or burial
13 site.

14 (b) (1) Subject to the provisions of paragraph (2) of this subsection, a
15 person may not willfully destroy, damage, or remove a tree, plant, or shrub in a
16 cemetery.

17 (2) The provisions of paragraph (1) of this subsection do not prohibit
18 normal maintenance of a cemetery or burial site, including trimming of trees and
19 shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and
20 maintenance.

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

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

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

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

28 **(E) A PERSON WHO VIOLATES THIS SECTION SHALL ~~RESTORE OR PAY~~**
29 **~~THE FULL VALUE FOR THE RESTORATION OF ANY DAMAGED OR DEFACED REAL~~**
30 **~~OR PERSONAL PROPERTY TO THE OWNER OF THE PROPERTY OR THE OWNER OF~~**
31 **~~THE CEMETERY.~~**

32 **[(e)] (F)** This section does not prohibit the removal of human remains or a
33 funerary object from an abandoned cemetery if:

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

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

~~Article — Criminal Procedure~~

~~11-604.~~

~~(a) Subject to subsection (b) of this section and notwithstanding any other law, if a child is the defendant or child respondent, the court may order the child, the child's parent, or both to pay restitution.~~

~~(b) A judgment of restitution for [\$10,000] \$15,000 issued under Part I of this subtitle is the absolute limit for each child's acts arising out of a single incident.~~

~~(c) (1) A court may not enter a judgment of restitution against a parent under Part I of this subtitle unless the parent has been afforded a reasonable opportunity to be heard and to present evidence.~~

~~(2) A hearing under this subsection may be held as part of the sentencing or disposition hearing.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.