

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 353

(Delegate Rosenberg, *et al.*)

Judiciary

Judicial Proceedings

Criminal Law - Destruction of Funerary Objects - Restitution

This bill requires a person who violates a provision of law that prohibits the destruction of funerary objects to pay for the restoration of any damaged or defaced property in a cemetery to the property's owner or the cemetery's owner.

Fiscal Summary

State Effect: None. The bill would not materially affect operations of the Judiciary.

Local Effect: None. The bill would not materially affect circuit court operations.

Small Business Effect: None.

Analysis

Current Law: Subject to specified exceptions, 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 violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$10,000.

Subject to specified exceptions, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery. A person also may not engage in indecent or disorderly conduct in a cemetery. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for two years and/or a fine of \$500.

A court may order a child respondent or defendant, the child's parents, or both, to pay restitution. A judgment of restitution is limited to \$10,000 for each child's acts arising out of a single incident. A court is prohibited from entering a judgment of restitution against a parent of a child respondent or defendant unless the parent has been given a reasonable opportunity to be heard and to present evidence.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2008
ncs/jr Revised - House Third Reader - March 18, 2008
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