

# HOUSE BILL 311

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CF SB 9

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By: **Delegates Sophocleus, Barkley, DeBoy, Dumais, Elmore, George, Hecht, Heller, Impallaria, Love, McConkey, McDonough, Montgomery, Shewell, and Stocksdales**

Introduced and read first time: January 27, 2010

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Duty to Report Death – Requirement and Penalties**

3 FOR the purpose of requiring certain individuals who have personal knowledge of the  
4 death of another or who have personally discovered the body of another  
5 individual to provide certain notice of the death within a certain time period to  
6 a law enforcement officer, physician, 9–1–1 system, or medical examiner under  
7 certain circumstances; providing for the application of this Act; establishing  
8 certain penalties; and generally relating to the duty to report the death of  
9 certain individuals under certain circumstances.

10 BY repealing and reenacting, without amendments,  
11 Article – Health – General  
12 Section 5–101  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume)

15 BY adding to  
16 Article – Health – General  
17 Section 5–203  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume)

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

22 **Article – Health – General**  
23 5–101.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this title, "body" means a dead human body.

2 **5-203.**

3 (A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:

4 (1) HAS PERMANENT OR TEMPORARY CUSTODY OR  
5 RESPONSIBILITY FOR THE SUPERVISION OR CARE OF THE INDIVIDUAL WHO IS  
6 THE DECEASED;

7 (2) IS A SPOUSE, PARENT, OR ADULT CHILD OF THE DECEASED;  
8 OR

9 (3) IS A MEMBER OF THE HOUSEHOLD OF THE DECEASED.

10 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL  
11 WHO HAS PERSONAL KNOWLEDGE OF THE DEATH OF ANOTHER INDIVIDUAL OR  
12 WHO HAS PERSONALLY DISCOVERED THE BODY OF ANOTHER INDIVIDUAL SHALL  
13 PROVIDE, IN PERSON OR BY TELEPHONE, NOTICE OF THE DEATH WITHIN 24  
14 HOURS AFTER ACQUIRING PERSONAL KNOWLEDGE OR DISCOVERY OF THE  
15 DEATH TO:

16 (1) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3-101 OF  
17 THE PUBLIC SAFETY ARTICLE;

18 (2) A PHYSICIAN WHO HAS PROVIDED MEDICAL TREATMENT TO  
19 THE DECEASED INDIVIDUAL WITHIN 30 DAYS PRIOR TO THE KNOWLEDGE OR  
20 DISCOVERY OF THE DEATH;

21 (3) A 9-1-1 SYSTEM OR PUBLIC SAFETY ANSWERING POINT AS  
22 THOSE TERMS ARE DEFINED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE; OR

23 (4) A MEDICAL EXAMINER.

24 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN  
25 INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT NOTICE OF THE DEATH HAS  
26 BEEN PREVIOUSLY MADE UNDER SUBSECTION (B) OF THIS SECTION.

27 (D) AN INDIVIDUAL WHO FAILS TO PROVIDE NOTICE AS REQUIRED  
28 UNDER SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND  
29 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
30 FINE NOT EXCEEDING \$500 OR BOTH.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2010.