

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 311 (Delegate Sophocleus, *et al.*)
Health and Government Operations

Health - Duty to Report Death - Requirement and Penalties

This bill requires specified individuals who have personal knowledge of the death of another individual, or who have personally discovered a body, to provide notice of the death within 24 hours of discovery to proper authorities. The bill's requirements apply to individuals with permanent or temporary custody of the deceased; a spouse, parent, or child of the deceased; and a member of the deceased's household. Violators are guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$500. The bill exempts individuals who reasonably believe a notification of death has already been made.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: There are no statutes in Maryland addressing the timeliness in which a death must be reported to authorities.

Background: A recent case in Anne Arundel County involving the disposal of human remains renewed concerns about the absence of any laws relating to proper disposal of dead bodies and the timely notification of deaths to proper authorities.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to the Division of Correction facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally, as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities are expected to range from \$57 to \$157 per inmate in fiscal 2011.

Additional Information

Prior Introductions: SB 13 of 2000 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 58, was amended in the House and heard by the Senate Judicial Proceedings Committee. No further action was taken.

Cross File: SB 9 (Senator DeGrange) - Judicial Proceedings.

Information Source(s): Montgomery, Kent, Washington, and Worcester counties; Baltimore City; Department of Health and Mental Hygiene; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2010
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