

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 12 (Delegate Sophocleus, *et al.*)  
Health and Government Operations

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**Health - Failure to Properly Bury or Dispose of a Body - Penalties**

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This bill prohibits individuals from burying or disposing of a body except in a family burial plot or other area allowed by local ordinance, a crematory, a cemetery, or a funeral establishment. Violators are guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$5,000.

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**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.

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**Analysis**

**Current Law:** There are no statutes in Maryland addressing the proper disposal of a dead body.

**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 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 Comments:** The bill does not recognize as a permitted method of disposal donation of a body to the State Anatomy Board or to a facility that harvests tissue and body parts for scientific or medical uses.

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### **Additional Information**

**Prior Introductions:** HB 58 of 2000, as amended, passed the House and was heard by the Senate Judicial Proceedings Committee. No further action was taken on the bill.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2010  
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