

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 721

(Senator Young)

Judicial Proceedings

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**Crimes - Sale or Purchase of Human Remains - Penalties**

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This bill prohibits a person from knowingly offering to purchase or sell, purchasing or selling, or otherwise transferring “human remains” for “valuable consideration.” A person who violates this prohibition is guilty of a misdemeanor and, on conviction, is subject to imprisonment for up to one year and/or a fine of up to \$5,000.

The bill’s prohibition does not apply to specified teaching and research purposes.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions.

**Local Effect:** Potential minimal increase in local government revenues and expenditures due to the bill’s penalty provisions.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** “Human remains” mean the body of a deceased person or a part of a body or limb that has been removed from a living person. The term includes a body or part of a body or limb in any state of decomposition. “Valuable consideration” does not include the reasonable costs associated with the removal, storage, and transportation of human remains.

**Current Law:** There is no general prohibition against selling human remains unless the remains were taken illegally. However, a person may not knowingly sell, buy, or transport for profit *unlawfully* removed human remains or an associated funerary object. A person who violates this provision is guilty of a misdemeanor and is subject to imprisonment of up to one year and/or a fine of up to \$5,000.

A State's Attorney may authorize the removal of human remains to ascertain the cause of death or for reburial. If requesting permanent relocation of human remains, the requestor must publish specific information in a notice of the proposed relocation at least once in a newspaper of general circulation in Baltimore City or in the county where the burial site is located. Reinterment must be recorded in an inventory or appropriate record and will only be permitted in a permanent, perpetual care cemetery in the presence of qualified reinterment specialists. There are similar, though less stringent, standards for reinterment of human remains after cremation. Violators are guilty of a misdemeanor and are subject to imprisonment for up to five years and/or a fine of up to \$10,000.

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

**State Expenditures:** General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional 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 Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

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

**Local Expenditures:** Expenditures may 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 have ranged from approximately \$60 to \$160 per inmate in recent years.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, University of Maryland Medical System, University System of Maryland, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2016  
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Analysis by: Kathleen P. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510