

HOUSE BILL 593

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4lr0960

By: Delegates Hutchinson, Adams, Hartman, Sample–Hughes, and Schmidt

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Destroying Funerary Objects – Statute of Limitations**3 FOR the purpose of increasing the statute of limitations for prosecutions relating to
4 destroying funerary objects and other structures in a cemetery; and generally
5 relating to the statute of limitations for the crime of destroying funerary objects.6 BY repealing and reenacting, without amendments,
7 Article – Courts and Judicial Proceedings
8 Section 5–106(a)
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2023 Supplement)11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 5–106(gg)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2023 Supplement)16 BY repealing and reenacting, without amendments,
17 Article – Criminal Law
18 Section 10–404(a) and (d)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:23 **Article – Courts and Judicial Proceedings**

24 5–106.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided by this section, § 1–303 of the Environment Article, and §
2 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
3 instituted within 1 year after the offense was committed.

4 (GG) A PROSECUTION FOR A VIOLATION OF § 10–404(A) OF THE CRIMINAL
5 LAW ARTICLE RELATING TO THE DESTRUCTION OF FUNERARY OBJECTS AND
6 STRUCTURES IN A CEMETERY SHALL BE INSTITUTED WITHIN 5 YEARS AFTER THE
7 OFFENSE WAS COMMITTED.

8 **Article – Criminal Law**

9 10–404.

10 (a) (1) Subject to the provisions of paragraph (2) of this subsection, a person
11 may not willfully destroy, damage, deface, or remove:

12 (i) an associated funerary object or another structure placed in a
13 cemetery; or

14 (ii) a building, wall, fence, railing, or other work, for the use,
15 protection, or ornamentation of a cemetery.

16 (2) The provisions of paragraph (1) of this subsection do not prohibit the
17 removal of a funerary object or a building, wall, fence, railing, or other object installed for
18 the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair
19 or replacement, either at the request of or with the permission of heirs or descendants of
20 the deceased or the owner or manager of the cemetery or burial site.

21 (d) A person who violates this section is guilty of a misdemeanor and on conviction
22 is subject to:

23 (1) for a violation of subsection (a) of this section, imprisonment not
24 exceeding 5 years or a fine not exceeding \$10,000 or both; and

25 (2) for a violation of subsection (b) or (c) of this section, imprisonment not
26 exceeding 2 years or a fine not exceeding \$500 or both.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2024.