

HOUSE BILL 616

E2

(5lr0851)

ENROLLED BILL

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Hutchinson, Adams, Sample–Hughes, and Schmidt**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Destroying Funerary Objects and Cemetery Elements – Statute**
3 **of Limitations and Prohibition**

4 FOR the purpose of increasing the statute of limitations for prosecutions relating to
5 destroying funerary objects and other elements of a cemetery to begin at the time
6 local authorities knew or reasonably should have known of the violation; prohibiting
7 a person from willfully destroying, damaging, defacing, or removing ~~landscaping or~~
8 part of the grounds of a cemetery; and generally relating to the statute of limitations
9 for and prosecution of the crime of destroying funerary objects and other elements of
10 a cemetery.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 5–106(a)
14 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2020 Replacement Volume and 2024 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–106(jj)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–404(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 10–404(b) and (d)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

5–106.

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

(JJ) A PROSECUTION FOR A VIOLATION OF § 10–404(A) OR (B) OF THE CRIMINAL LAW ARTICLE RELATING TO THE DESTRUCTION OF FUNERARY OBJECTS AND OTHER ELEMENTS OF A CEMETERY SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE LOCAL AUTHORITIES IN FACT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.

Article – Criminal Law

10–404.

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

(i) an associated funerary object or another structure placed in a cemetery; [or]

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery; **OR**

(iii) ~~LANDSCAPING OR~~ ANY OTHER PART OF THE GROUNDS OF A CEMETERY.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, ~~LANDSCAPING~~, or other object installed for the use, protection, or ornamentation of a cemetery or burial site; **OR OTHER PART OF THE GROUNDS OF THE CEMETERY** for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.