

# SENATE BILL 421

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5lr0903  
CF 5lr0851

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By: **Senator McKay**

Introduced and read first time: January 20, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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  
15 (2020 Replacement Volume and 2024 Supplement)

16 BY adding to  
17 Article – Courts and Judicial Proceedings  
18 Section 5–106(jj)  
19 Annotated Code of Maryland  
20 (2020 Replacement Volume and 2024 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Criminal Law  
23 Section 10–404(a)  
24 Annotated Code of Maryland  
25 (2021 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, without amendments,  
27 Article – Criminal Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–404(b) and (d)  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume and 2024 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That the Laws of Maryland read as follows:

6 **Article – Courts and Judicial Proceedings**

7 5–106.

8 (a) Except as provided by this section, § 1–303 of the Environment Article, and §  
9 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be  
10 instituted within 1 year after the offense was committed.

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

16 **Article – Criminal Law**

17 10–404.

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

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

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

24 **(III) LANDSCAPING OR PART OF THE GROUNDS OF A CEMETERY.**

25 (2) The provisions of paragraph (1) of this subsection do not prohibit the  
26 removal of a funerary object or a building, wall, fence, railing, **LANDSCAPING**, or other  
27 object installed for the use, protection, or ornamentation of a cemetery or burial site, for  
28 the purpose of repair or replacement, either at the request of or with the permission of heirs  
29 or descendants of the deceased or the owner or manager of the cemetery or burial site.

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

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

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

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

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

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