

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 394

(Senator Bailey)

Judicial Proceedings

Rules and Executive Nominations

Criminal Law - Dismembering or Burying Human Remains With Intent to Conceal a Crime

This bill prohibits a person, with the intent to conceal a crime, from knowingly and willfully dismembering, destroying, removing, burying, disposing of, or obliterating by any means any portion of human remains. The bill also prohibits a person from aiding or abetting another person in committing such an act. A violator is guilty of a felony and, on conviction, is subject to imprisonment for up to five years. A sentence imposed for this crime may be consecutive to or concurrent with any other sentence imposed for any other crime based on the act establishing the violation of these provisions.

Fiscal Summary

State Effect: Potential minimal increase in incarceration expenditures due to the bill's penalty provision. Otherwise, the bill is not expected to materially affect State finances and operations, as discussed below.

Local Effect: The bill is not expected to materially affect local finances or operations, as discussed below.

Small Business Effect: None.

Analysis

Current Law: Among other things, § 5-514 of the Health-General Article prohibits an individual from burying or disposing of a body except (1) in a family burial plot or other area allowed by a local ordinance; (2) in a cemetery or a crematory; (3) in a reduction facility; (4) by donating the body to medical science; or (5) by removing the body to another state for final disposition in accordance with the laws of the other state. Violators are guilty of a misdemeanor and subject to imprisonment for up to one year and/or a \$5,000 maximum fine.

Under § 10-402 of the Criminal Law Article, a person may not remove or attempt to remove human remains from a burial site unless (1) authorized to do so for the purpose of reinterring the remains in the same burial site or another burial site within the boundary of the same permanent cemetery or (2) a State's Attorney with jurisdiction has authorized the action to ascertain the cause of death, to determine if the human remains were interred erroneously, for the purpose of reburial, or for medical or scientific examination or study. Violators are guilty of a misdemeanor and subject to imprisonment for up to five years and/or a \$10,000 maximum fine.

State and Local Expenditures: This estimate assumes that the bill applies to a limited number of cases. Given that the bill applies to specified acts committed with the intent to conceal a crime, cases to which the bill applies likely involve charges for other existing criminal offenses. To the extent individuals are prosecuted and convicted of this new offense and serve additional incarceration time under the offense's five-year maximum incarceration penalty, general fund incarceration expenditures may increase minimally. Otherwise, the bill is not expected to materially affect State and local finances and operations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 674 (Delegate Kaufman, *et al.*) - Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2025
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