



February 28, 2025

TO: Members of the House Health and Government Operations Committee

SUBJECT: **Support HB1003: Relocation of Human Remains – Authorization Process**

Good morning. My name is Mark Edwards, and I am a member of the Maryland Cemetery Legislative Advocates (MCLA) and a member of the Board of Directors of Montgomery Preservation, Inc. Before I retired 3 years ago, I worked for over 46 years in the heritage preservation and cultural resource management field, including 18 years at the Maryland Historical Trust. I reside in Silver Spring, Montgomery County, Maryland.

Following the 2024 Maryland General Assembly session, advocates involved with cemeteries began meeting to share information about problems and challenges, review existing law, and to agree upon priorities for legislative changes to propose to the 2025 General Assembly. The working group includes individuals active in cemetery preservation, care, and maintenance as well as descendants, genealogists, and nonprofit organizations. These initiatives follow the survey and study requested by the Joint Chairmen and reported to the Maryland General Assembly on June 30, 2022. See the *Report on Historic African American Cemeteries to the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee* submitted on June 30, 2022, by the Maryland Commission on African American History & Culture and the Maryland Historical Trust.

This proposed legislation addresses a series of shortcomings in Maryland Criminal Law 10-402 pertaining to the relocation of human remains. Currently, the process that must be followed to obtain authorization for disinterment from a cemetery does not require an investigation into whether descendants, burial plot owners, parties maintaining the cemetery, and other interested parties have been notified. The current law is inadequate because it only requires pro forma public notices. Sadly, there is no meaningful role for descendants to voice their opinions regarding a request for disinterment. Absent is a requirement to ensure that burial records are updated after disinterment occurs. Most importantly, the current process of assigning the task of evaluating non-criminal disinterment to the State's Attorney sidesteps the involvement of a more appropriate entity, the Office of Cemetery Oversight (OCO). State's Attorneys are extremely busy, and placement of this responsibility in their hands is a poor use of their time and often of limited effectiveness, since they have no expertise in cemetery operations. The result is that these requests receive lesser attention than those involved in criminal cases.

What is the importance of these changes to Maryland citizens? Once enacted, the public will be able to gain timely and more complete information from the OCO in the permitting process and monitoring of disinterment and reinterments. Importantly, the bill establishes more rigorous and procedures for authorizations to relocate human remains, and improvements would be made in the notification of families and provide persons of interest through more rigorous use of modern communication tools. Consistent, standard cemetery law would provide the same legal protections for all registered human

and pet cemeteries and the processes of disinterment and reinterment would become more transparent, and comprehensible.

The processes of disinterment and reinterment would be monitored by the OCO for compliance and State's Attorneys would be able to tailor prosecutions of violations of laws as misdemeanors or felonies and assess fees and penalties dependent on the extent of the damage and desecration incurred. These changes would increase confidence in cemetery industries and these entities would receive fewer complaints and negative publicity.

I believe that government has a responsibility to enact legislation that effectively addresses significant issues. The changes included in HB1003 would improve trust and confidence in state agencies and strengthen their ability to address one of the most sensitive cultural, social, ethical and emotionally-laden issues we face as a society – disinterment and reinterment.

The dead cannot speak for themselves. But we have a responsibility to do this for them, and we are doing it now.

For these reasons, I request that you support HB1003. Thank you for your consideration of my request.

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