

February 12, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Letter of Information – SB 616 – Criminal Law – Human Remains, Pet Remains, and Cemeteries – Prohibitions

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position and offers the following information for the committee's consideration of Senate Bill 616.

SB 616 alters the definition of permanent cemetery to include a cemetery owned by a family or religious organization. Further, the bill prohibits a person from 1) tampering with human remains interred in a cemetery; 2) damaging, desecrating, mutilating, storing, tampering with, trafficking, or transporting human remains; 3) willfully destroying landscaping or engaging in malicious, abusive, or disorderly activities; 4) damaging, desecrating, mutilating, storing, tampering with, trafficking or transporting pet remains, subject to a certain exception; or 5) removing or attempting to remove pet remains from a cemetery without the permission of the owner of the pet or of the cemetery.¹

The Maryland State Highway Administration (SHA) coordinates hundreds of transportation projects around the State every year. In accordance with federal laws, SHA's cultural resource team – which includes architectural historians and archaeologists that evaluate proposed construction impacts on buildings, historic districts, roadway structures, and archaeological sites. This ensures adverse impacts are avoided whenever possible and minimized or mitigated if impacts are unavoidable.

When the SHA cultural resource team discovers unmarked graves, they work with descendants and members of the interested public to ensure all remains are treated with the utmost respect.

SB 616 introduces the issue of managing pet remains. As written, the definitions of “pet remains” and “cemetery”² is unclear. Without additional clarification and given 1) the diverse types of animals buried, 2) the widely varying practices associated with those burials, and 3) the numerous underground animal remains encountered, this bill would cause confusion for the SHA and add time and expense to highway projects.³ For example, archaeologists in Maryland have found at least one chicken buried as

¹ SB 616 makes all these actions and others currently in law a felony and sets the penalties for the prohibited actions. Additionally, the bill authorizes certain units of State government to deny the application for or revoke an occupational license or certificate for a violation of the prohibited actions and creates a certain civil action in response to some of these activities.

² For “cemetery”, the term is undefined in the context of pet remains.

³ It should also be noted that, in some cases, animal burials are ambiguous. Animals are not generally buried in coffins, and preservation of their smaller bones and grave goods like food, collars, blankets, and toys varies depending on age and other factors. Recognizable funerary markers (headstones) are unusual outside of pet

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part of a cultural ceremony, and it is unclear if these types of animals would be required to be reinterred. As for the definition of “cemetery” in the context of pet remains, it is unclear if family-owned land where a dog, cat, horse, or other animal is buried (but no humans are interred) is considered a permanent cemetery or if the bill is directed at formal pet cemeteries, like Rosa Bonheur Memorial Park in Elkridge, Oakleigh Pet Cemetery in Parkville, or Aspin Hill in Silver Spring, and (human) family cemeteries where animal companions are also interred. The SHA has also encountered elaborate and relatively recent pet burials in parks, woods, and other places, sometimes close to State roads. SHA notes that the fiscal impact of conducting additional analysis, coordination, and relocation and reburial for pets on archaeological sites could add between \$5,000 and \$10,000 to a project, per animal and depending on the size of the animal.⁴

The Maryland Department of Transportation respectfully requests the Committee consider this information during their deliberations of Senate Bill 616.

Respectfully submitted,

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cemeteries. It's also unusual to have a faunal analyst available in the field to determine whether a burial might have been a traditional companion animal or not.

⁴ Overall, it is estimated that project delays and risk associated with SB 616 could account for more than \$200,000 on a project where potential cemeteries or animal remains are involved.