

I'm David Zinner, Coordinator for the Maryland Cemetery Legislative Advocates (MCLA). Our group has extensive experience with cemetery issues.

I am also a consumer representative on Maryland's Advisory Council on Cemetery Operations, but I am not representing the Council or the Office of Cemetery Oversight.

MCLA believes a much stronger bill is needed to address cemetery desecration, We will be introducing such a bill in the House and look forward to bringing it to this committee.

1. We believe that the current law 10-404 regarding cemetery desecration is inadequate because it addresses only two cemetery crimes
 - a. Damaging funerary objects or structures
 - b. Disorderly conduct
2. What does HB616/SB421 do?
 - a. Amends 5-106 to increase the statute of limitations from one to three years
 - b. Adds "landscaping" violations
3. We believe that the proposed amendments in HB616/SB421 are inadequate because
 - a. They don't address real world cemetery desecration issues
 - b. We don't think it will address most constituent's issues
4. Our bill addresses real world issues that cemeteries face - here are eight examples:
 - a. In 2017, more than 20 headstones in the St. Thomas Episcopal Parish Cemetery in Prince George's County, were pushed over or damaged, devastating families who have loved ones buried there.
 - b. In 2021 thirteen gravesites in a Dundalk, Baltimore County Jewish cemetery were vandalized with swastikas
 - c. In 2021 a man took plastic wreaths from three or more burial plots, placing them on an access road and lighting them on fire at the Cedar Lawn Memorial Park cemetery in Hagerstown, Washington County.
 - d. In 2021 in Somerset County, Md., the Princess Anne Police Department is investigating a case of gravesite vandalism at St. Andrew's Episcopal Church
 - e. In 2021 at All Hallows Episcopal Chapel in Davidsonville, Anne Arundel County, experienced the destruction of over 160 gravestones ... a defacement both unsightly and physically damaging to the century-old stones.
 - f. In 2023 antisemitic vandalism was discovered at Lubawitz Nusach Ari/Ner Tamid Cemetery in Rosedale in Baltimore County.

- g. In 2024, families were saddened to find the headstones of 59 loved ones pushed over at North East Cemetery in Cecil County.
- h. In 2024 a dozen human burials were dug up in the Rosa Bonheur Cemetery in Howard County.

5. Our bill

- a. Adds a general statement that “A person may not engage in malicious, abusive or disorderly activities in a cemetery.”
- b. Divides violations into three categories as opposed to the current single category
 - i. Vegetation
 - ii. Objects
 - iii. Burials
- c. Goes beyond “landscaping” to include “a tree, plant, or shrub or damage landscaping”.
- d. Proposes that any violation is a felony, not a misdemeanor
 - i. This removes the need to amend 5-106 because felonies have no statute of limitations. *Smallwood v. State*, 51 Md. App. 463 (1986).
 - ii. Felonies are investigated by police more thoroughly than misdemeanors
 - iii. This does not impact the size of the penalty
- e. And then states that penalties escalate based on the seriousness of the violation and for repeated violations.

6. We ask that the committee hold off action on this bill until our bill is presented,

7. Thank you
