

SB616 and its companion bill HB1000

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 that the proposed changes reflected in this bill are needed to address cemetery desecration. Here are eight examples of cemetery desecration in Maryland:

- In 2024, families were saddened to find the headstones of 59 loved ones pushed over at North East Cemetery in Cecil County.
- In 2024 a dozen human burials were dug up in the Rosa Bonheur Cemetery in Howard County.
- In 2023 antisemitic vandalism was discovered at Lubawitz Nusach Ari/Ner Tamid Cemetery in Rosedale in Baltimore County.
- In 2021 in Somerset County, Md., the Princess Anne Police Department is investigating a case of gravesite vandalism at St. Andrew's Episcopal Church
- 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.
- In 2021 thirteen gravesites in a Dundalk, Baltimore County Jewish cemetery were vandalized with swastikas
- 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.

- 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.

1. SB616 amends 10-402 and 10-402.1 which currently address removing or attempting to remove human remains from a burial site by adding "tamper with human remains" and by adding "damage, desecrate, mutilate, store, traffic, transport human remains".
Regretfully this is needed because of cemetery desecration that we have witnessed.
2. This bill increases fines and penalties "from up to 5" to "up to 10 years" of imprisonment and from "up to \$10,000" to "at least \$20,000" and then states that penalties escalate for repeated violations.
3. In 10-404 our bill enlarges upon the current "disorderly conduct" violation to add "malicious and abusive activities."
4. Our bill proposes that any cemetery desecration violation is a felony, not a misdemeanor removing the need to have an expiration date on statute of limitations because felonies have no statute of limitations. [Smallwood v. State, 51 Md. App. 463 (1986)]. We also note that felonies are investigated by police more thoroughly than misdemeanors and that moving from misdemeanor to felony does not automatically impact the size of the penalty.
5. Our bill provides for denial of a license (for example a real estate license) if convicted of tampering with or removal of bodies in a cemetery.
6. We propose allowing for a civil action in court to recover damages.
7. 10-627 we've added unauthorized removal of pet remains.