

RBS SB 0616 Testimony February 2025.pdf

Uploaded by: candy warden

Position: FAV

Candy Warden, President

Rosa Bonheur Society, Inc.

10240 Harvest Fields Drive

Woodstock, MD 22163

February 05, 2025

SB 0616 Testimony: FAVORABLE

Sponsor: Senator McKay,

My name is Candy Warden. I am President of the Rosa Bonheur Society, Inc., a volunteer, nonprofit group formed in 2007 to protect and preserve the Rosa Bonheur Memorial Park, a Maryland human and pet cemetery with thousands of burials. The people with loved ones resting at our cemetery span across all the counties of Maryland.

Constituents in every jurisdiction are aghast at what happened at just one cemetery. It is happening at other cemeteries all over Maryland. In December 2023, the week before Christmas, the Rosa Bonheur Memorial Park suffered catastrophic removal and desecration of human and pet remains from multiple sites. These sites are owned by deed holders who invested in perpetual care. Heavy equipment damage in numerous locations! A backhoe dug up graves! Removed and plowed under human and pet remains, damaged memorial markers, and grave goods! Where are the remains!

Stronger penalties must be enacted to deter the increasing disregard for the respect and honor of cemeteries and cemetery remains. Those causing damage must pay for ALL the damage and consequences of abhorrent misbehavior. Damages must include all proper procedures for interment, damage to markers, damage to cemetery grounds, administrative costs incurred by the Office of Cemetery Oversight, and ongoing costs of new protections. Extending the statute of limitations is essential for providing adequate time to effectively research and prosecute people that desecrate cemeteries.

Remains interred in a cemetery must at all times be treated with honor, dignity, and respect. These beliefs are normative and widely held by Constituents across Maryland. Cemetery legislation is critical to protect all Maryland gravesites.

A Case in Point

At the Rosa Bonheur Memorial Park graves were desecrated with human remains being exhumed and relocated without the permission of families and without the direction of a funeral services professional. Pet graves were also wantonly destroyed that surrounded the human graves.

The families that suffered disinterment(s) have never been notified of the location of their loved ones' remains by the desecrator(s). Are the human remains still extant? Have they been dumped in a mass

grave somewhere? Have they been thrown away? Were the remains only partially exhumed or churned into the ground? Only the desecrator(s) know the answers to these questions.

Although families paid significant amounts of money for plots, caskets, vaults, memorial markers, and other services for human and pet burials and received deeds for their plots they have been victimized by their loved ones being violated.

Who is responsible for this desecration and damage? A developer that our group met with for three years in an effort to come to a mutual agreement to protect the cemetery. The developer is hiding behind LLCs, which even the Maryland Office of Cemetery Oversight has yet to untangle. It has been over a year since these tragic events were perpetrated and the person(s) responsible have not been legally identified; just the LLCs.

Benefits of SB 616

- Broadening the criteria for prosecution, time frame for prosecution, and penalties necessary for the punishment and/or deterrence of people that would desecrate cemeteries, such as, those who seek to hide behind LLC smokescreens to avoid identification and prosecution.
- Offers crucial support and reinforcement for existing legislation making it more effective.
- Provides necessary legal protections for families and their diverse social, cultural, ethical, and religious beliefs and how they choose to honor their dead.
- Both human and pet remains would be legally protected.
- Increased trust and confidence in governmental agencies to effectively address sensitive cemetery related issues, which encompass a broad spectrum of social, cultural, religious, ethical, and religious beliefs.
- Supports the cemetery industry by offering stronger legislation and making cemeteries less desirable targets for desecration.

SB 0616 will provide all of these benefits for the constituents of the State of Maryland.

Thank you for your kind consideration of this testimony, which is greatly appreciated.

Sincerely,

Candy Warden

Rosa Bonheur Society, Inc. (founded May 2007)

2010 Periwinkle Award Winner, Coalition to Protect Maryland Burial Sites

SB616

Uploaded by: David Zinner

Position: FAV

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.

SB616 Elinor Thompson

Uploaded by: Elinor Thompson

Position: FAV

SB 616 Written Testimony

Dear Chairperson and members of the Judicial Proceeding and Finance Office

My name is Elinor Thompson, Genealogist Historian, Church and Cemetery Preservationist, Co- Chair of the Ancestral Remains Commmitte with the Maryland Commission on African American History and Culture (AACO) and I helped to write and develop the Cemetery Report along with MHT.

I have been documenting and preserving cemeteries for more than fifty years. While many people can only trace back thier families beyond two generations. I have documented my family back to the late 1400's on one line and another back to the late 1790's.

It is my duty and honor the people who have paved the way for all of our future generations. By respecting, preserving, protecting documenting thier eternal resting places. St. Peters Cemetery and many other cemeteries has historical signifance not only to our communities but through history and cultural heritage and is a sacred place to honor those who paved the way for the forth coming generations. Descecration of any cemetery should be punishable by the full extent of the law, to those who delibratley distrub the places that people slumber in thier eternal graves.

Please support Crimanal Law Human,pet and cemeteries SB616

Thank-you in advance for your consideration

Elinor Thompson

Genealogist, Historian, Church and Cemetery Preservationist and Maryland Commissioner on African American History and Culture

SB 616_ Written Testimony_ Jennifer Johnson.pdf

Uploaded by: Jennifer Johnson

Position: FAV

Dear Chairperson and Members of the Judicial Proceedings Committee,

My name is Jennifer Johnson and in 2023 I started the Friends of St. Peter's Cemetery. The cemetery was founded in 1851 and is the hallowed ground for approximately 15,000 individuals who worked and lived in West Baltimore.

While, I am thankful St. Peter's Cemetery has not suffered much intentional desecration, although it certainly suffers from many years of neglect. However, I have heard the horror stories of the intentional desecration that has occurred at many other cemeteries.

Desecration of any cemetery is wrong and should face harsh penalties and punishment. This law will enforce the protection of cemeteries and punish those who decide to do harm to the sacred spaces.

Please support Criminal Law – Human Remains, Pet Remains, and Cemeteries – Prohibitions SB0616. Thanks for your time and consideration.

Sincerely,

Jennifer Johnson
Founder Friends of St. Peter's Cemetery

SB616.pdf

Uploaded by: Jesse Bennett

Position: FAV

Penalties - Testimony of Jesse Bennett before the Senate Judicial Proceedings Committee – February 12, 2025, in support of SB 616.

Dear Chairpersons and Members of the Judicial Proceedings Committee,

My name is Jesse Bennett, I am a member of Maryland Cemetery Legislative Advocates. I am also a Volunteer Research Coordinator for the historic 153-year-old Mount Auburn Cemetery located in the Westport/Mount Winans Community of Baltimore City. Mount Auburn is Baltimore's oldest African American cemetery. We are on the National and Maryland's List of Historic Places.

My duties at Mount Auburn include locating the burial sites of unmarked graves for family members. Often, during the past twelve years, I have engaged in maintenance supervision of landscaping at Mount Auburn Cemetery. We will certainly benefit from the expansion of the penalty definition at our property due to incidents in the past.

In 2000, a group of homeless people built and inhabited a large shed on our property. Our property is currently subject to vandalism of gravesites, damaged fencing, and graffiti, despite NO TRESSPASSING signs posted around our property. We need help to protect our property with stronger legal support.

Please support our Bill SB616.

SB 616 02-12-2025_MCCA_FAV.pdf

Uploaded by: John Stierhoff

Position: FAV

John R. Stierhoff, Esquire
(410) 244-7833
jrstierhoff@venable.com

February 12, 2025

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

Re: Senate Bill 616 – Criminal Law – Human Remains, Pet Remains, and Cemeteries -
Prohibitions

Dear Chair Smith:

I am writing on behalf of the Maryland Cemetery and Cremation Association (“MCCA”) in Support of Senate Bill 616.

Senate Bill 616 extends the provisions of Section 10-401 of the Criminal Law Article of the Code to cemeteries owned by a family or a religious organization; prohibits the tampering of human remains in a cemetery; and creates a private right of action for a family member or decedent who suffers damages for a violation of these provisions among other things.

MCCA condemns the removal or tampering with human or pet remains in a cemetery, and agrees that these acts should be considered a felony.

Founded in 1916, MCCA represents the shared interests and concerns of professionals across the spectrum of Maryland’s “death care” industries.

The Maryland Cemetery and Cremation Association respectfully requests the Senate Judicial Proceedings Committee to Support Senate Bill 624.

Sincerely,

John R. Stierhoff

cc: Members, Senate Judicial Proceedings Committee

SB616 letter to Judicial Proceedings Committee.pdf

Uploaded by: Mark Edwards

Position: FAV



February 10, 2025

TO: Members of the Senate Judicial Proceedings Committee

SUBJECT: Support SB616: Criminal Law – Human Remains, Pet Remains and Cemeteries - Prohibitions

Good afternoon. 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.

SB616 is beneficial because it strengthens the protection of human and pet remains, as well as the sanctity of cemeteries, by expanding the definition of a permanent cemetery to include those owned by families or religious organizations. It establishes stricter prohibitions and graduated financial penalties deriving from, tampering with, desecrating, or damaging human and pet remains, funerary objects, landscaping, and cemetery structures. This should, in turn, result in a reduction in disrespectful or harmful actions within cemeteries. By addressing trafficking, mutilation, and improper storage or transportation of remains, the legislation also ensures that cemeteries remain places of reverence and respect. Perhaps most importantly this legislation upholds the dignity of burial sites and reinforces ethical standards for their preservation and maintenance.

For these reasons, I request that you support SB616. Thank you for your consideration of my request.

Mark Edwards
1204 Edgevale Road
Silver Spring, MD 20910
Mark_edwards1@verizon.net
(301) 758-8867

SB616.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



Judicial Proceedings Committee
Executive Nominations Committee

Joint Committees
Administrative, Executive,
and Legislative Review
Children, Youth, and Families
Program Open Space and Agricultural
Land Preservation

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 416
Annapolis, Maryland 21401
410-841-3565 • 301-858-3565
800-492-7122 Ext. 3565
Mike.McKay@senate.state.md.us

Cumberland Office
100N Mechanic Street
Cumberland, Maryland 21502
240-362-7040

Williamsport Office
2N Conococheque Street
Williamsport Town Hall
Williamsport, Maryland

Senate Bill 616 – Criminal Law – Human Remains, Pet Remains, and Cemeteries – Prohibitions

January 22, 2025

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

Senate Bill 616 alters the definition of “permanent cemetery” to include a cemetery owned by a family or religious organization. It will prohibit any person from tampering with human remains interred in a cemetery and will alter certain penalties relating to prohibitions against the removal of human remains from a burial site. There will also be prohibitions against anyone damaging, desecrating, mutilating, storing, tampering with, trafficking or transporting human remains as well as removing or attempting to remove pet remains from a cemetery.

I thank you for your time and I urge a favorable report.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike McKay", written over a light blue rectangular background.

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

4 penalties testimony.pdf

Uploaded by: Christine Simmons

Position: UNF

SB0616-Criminal Law-Human Remains, Pet Remains, and Cemeteries-Penalties-OPP

Christine Simmons
521 West Drive
Severna Park, MD 21146
410-978-7167

I do not believe this bill goes far enough either in length of time or to allow for different types of penalties for different levels of destruction. Although the title suggests this applies to pet burials as well, the wording throughout the document appears to apply only to humans. The bill also does not address destruction to destructive changes to landscape such as knocking down bushes and creating ruts by driving vehicles into the cemetery. It is costly to repair damages within cemeteries and there is little set aside for anything other than basic maintenance since the majority of cemeteries lack perpetual care.

I work with a large diverse group of cemetery advocates and am on boards of both the Anne Arundel Genealogical Society and the Coalition to Protect Maryland Burial Sites. I work closely with Anne Arundel County's Cultural Resources to monitor cemeteries and consult with various groups on issues such as desecration.

There are many types of vandalism. Vandals spray paint graffiti on tombstones. They knock down Jewish tombstones and Confederate graves are defaced. Impaired drivers and road conditions cause drivers to plow into cemetery headstones, walls, fences, and alter landscapes.

One local cemetery has three various types of desecration. Many of the tombstones were broken into fragments. Later, someone believed to be a relative, removed the one existing intact tombstone, presumably for safekeeping, without informing anyone. More recently, chain link fencing was knocked down to allow nearby fast-food workers to take their breaks on a log in the cemetery and leave their trash behind.

A couple young women decided to photograph tombstones and place the photos on an online cemetery website. They scrubbed only the names and dates on the stones creating a zebra-like look to stones in an historic cemetery which alters their original appearance.

A documented tombstone from a cemetery on federal land had been missing for over 25 years. It was recently discovered twenty miles from its original location. The stone was recovered and returned but the spouse's stone has never been found.

A developer in Howard County had grave markers and possibly bodies moved so that he can develop a portion of the cemetery. He made no attempt to notify family members and, trying to unsuccessfully have local funeral homes move the bodies, finally finding a Virginia funeral home to carry out his mission. These dis-interments were approved without questioning by the state's attorney's office.

There is a Maryland law regarding penalties (MD Criminal Law Code §10-401) but that law needs to be expanded and penalties and fines strengthened. I recommend various levels of punishment be initiated depending on the severity of destruction and types of repairs needed. Also, listing these penalties as felony charges would alert police that the destruction requires serious attention than as misdemeanors.

Thank you for your time.

sb616.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410) 260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 616
Criminal Law – Human Remains, Pet Remains, and Cemeteries -
Prohibitions
DATE: February 5, 2025
(2/12)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 616.

The Judiciary has no position on the policy aims of this legislation but is opposed to the mandatory minimum sentencing provisions only. The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Mike McKay
Judicial Council
Legislative Committee
Kelley O'Connor

SB0616 - SHA - LOI - Criminal Law - Human Remains,

Uploaded by: Patricia Westervelt

Position: INFO

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

The Honorable William C. Smith, Jr.
Page Two

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,

April King
Acting Director
Office of Government Affairs
Maryland State Highway Administration
410-210-5780

Matthew Mickler
Director
Office of Government Affairs
Maryland Department of Transportation
410-865-1090

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.