

SB0624/HB1003 - Relocation of Human Remains – Authorization Process

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.

The current Criminal Law 10-402 is flawed.

1. In the current law, the process for gaining 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.
2. The current law does not give the descendants a voice in the response to the request for disinterment.
3. There is no provision requiring any analysis of the impact of the proposed disinterment on the descendants.
4. There are no criteria for approval or denial of a request.
5. There is no provision for an explanation of the basis for a decision.
6. There is no provision for compliance with proper procedures if disinterment is approved.
7. There is no provision for ensuring that the burial location records are updated after a reinterment.
8. And most importantly, the law's current process of assigning the task of evaluating non-criminal disinterment requests to the States Attorney is an inappropriate and unproductive use of vital resources, as States Attorneys usually have no expertise in cemetery operations and rightfully place these requests at lower priority than criminal cases.

Changes Proposed

The primary change we are proposing in SB0624 to the disinterment process in 10-404 is that the Maryland Office of Cemetery Oversight (OCO), as the expert authority on all aspects and issues concerning cemeteries and burials would, in non-criminal cases, thoroughly investigate a disinterment request and provide the State's Attorney their recommendation for approval or disapproval.

We understand that disinterment and reinterment may be requested when relatives relocate a member of the family's remains for personal reasons, when cemetery grounds become compromised, or during the investigation of criminal cases. These require a relatively easy approval process.

However when all or a significant portion of burials in a cemetery are proposed for disinterment, often by a developer, a more thorough investigation is needed. Imagine the shock and sadness when relatives arrive at the cemetery to visit their loved ones and find their grave empty, and then are told that on a particular date on a particular page of the Baltimore Sun, there was a notice published. It is critical that best efforts be made to reach out to descendants and bring them into the process and to put the office with cemetery expertise in charge of the process.