

RBS SB 0624 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 06, 2025

SB 0624 Testimony: FAVORABLE WITH AMENDMENTS

Sponsor: Senator Lam,

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.

In December 2023, the week before Christmas, the Rosa Bonheur Memorial Park suffered catastrophic removal and desecration of human and pet remains.

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? Our group met with a developer for three years in an effort to reach a mutual agreement to protect the cemetery. The developer believes that removing the human remains will make it possible for him to build on the cemetery grounds. The pet burials would just be plowed under even though the majority of the people that have loved ones buried there are still alive. The developer is hiding behind LLCs, which even the Maryland Office of Cemetery Oversight (OCO) 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.

How could such a tragedy occur? There is ambiguity in the existing legislation that may be interpreted two ways: 1) All human remains are legally protected; and 2) Human remains in a pet cemetery are not protected. The second interpretation does not take into account that people and their pets were not buried in the same casket, but each have their own deeded plots, caskets, and markers. The people are buried in their own plot with their pet's plot is next to them. This gray area needs to be addressed in our legislation. as human remains are human remains regardless of what type of cemetery they are buried in.

Benefits of SB 0624

- Our State's cemetery experts, OCO, would be involved during the entire process of the relocation and reinterment of human remains.
- Requirements and procedures would be established for an application of authorization to relocate human remains.
- The OCO would be empowered to delay authorization for the relocation of human remains under certain circumstances.
- Pertinent fines and fees would be remitted to the Cemetery Oversight Fund, which would serve to defray costs of implementation and administration of the relocation authorization process.

What is the Cost of Not Enacting SB 0624

- The issues and deficits resulting from the current legislation will remain the same with State's Attorney offices issuing approvals for uninvestigated requests by unverified individual(s) with no follow up for the relocation of human remains.
- Chicken carcasses in Maryland grocery stores will continue to receive more scanning and tracking of their locations and statuses than human remains in the process of relocation.

Suggested Amendments to SB 0624

- The proposed legislation does not specifically mention human remains interred in pet cemeteries. Consequently, ambiguity would continue to leave the legislation open to subjective interpretation as to whether human remains buried in a pet cemetery would or would not be subjected to the relocation authorization process.
- Pet remains are not addressed by the proposed legislation. People are paying approximately \$4,400.00 for a pet burial. 70% of American households have pets. 95% of people worldwide consider their pets as members of the family. For these reasons pet burials need to be subject to the relocation authorization process. Developers should not be able to take it for granted that they can destroy expensive, cherished burial sites of loved ones with impunity.

Both human and pet 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.

Thank you for your attention, and consideration of this testimony.

Sincerely,

Candy Warden

Rosa Bonheur Society, Inc. (founded May 2007)

2010 Periwinkle Award Winner, Coalition to Protect Maryland Burial Sites

2 Disinterment written testimony.pdf

Uploaded by: Christine Simmons

Position: FAV

SB624- Relocation of Human Remains-Authorization Process-FAV

Christine Simmons
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I am on the boards of both the Anne Arundel Genealogical Society and the Coalition to Protect Maryland Burial Sites. When descendants or other interested parties such as legal investigators, those who work with estate issues, and family members or historians attempt to find a cemetery or individual formerly buried in that cemetery but they are no longer in their original location, there is no way for them to know where to start their search.

There is a severe lack of oversight related to disinterment and reinterment of human remains from one cemetery to another site outside that cemetery. Human remains moved within the same cemetery require no permit. Funeral homes, county health departments, and county state attorneys' offices all sign off on these permits, but most do not keep copies of the permits once the move has been completed. Reinterments from private family cemeteries to commercial cemeteries or memorial gardens are not routinely listed as reinterments or from where and may not allow the tombstone to be moved as well as the remains.

There are many instances when burials have been moved elsewhere. Moves may be due to family members or other persons of interest wanting loved ones moved closer to where they now live or groups with cultural affiliations wanting to act as the responsible party. Other times, the move is by a government agency desiring to add developments or roadways.

At each step, there should be oversight:

- There should be a clear purpose for the request
- There should be documented attempts to notify family of the intentions
- There should be specifics in newspaper notification stating the authorization, tax map, parcel number with liber and folio, the names of those being moved if known, and the final disposition of those remains
- There should be notice posted prominently at the cemetery
- Disinterment should be overseen by an archaeologist, mortician, cemeterian, religious leader, or other qualified individual
- The body/bodies should be required to be reinterred in a perpetual care cemetery or another cemetery with the agreement of a person of interest
- State attorneys' approval should be required beforehand assuring all requirements have been met
- The location of the reinterment should be entered into an approved burial site inventory or other area approved by the Office of Cemetery Oversight
- Disinterments should be postponed for at least a year if there is a major objection.
- Violation of the above should be subject to fines administered by the Office of Cemetery Oversight and the funds used to assist abandoned and neglected cemeteries

At present, the Maryland Office of Vital Records holds one small box of disinterments/reinterments. The Maryland State Archives has two small boxes with jumbled records for various counties and time periods mixed together.

I believe these are important issues that need evaluation. I look forward to your support of this bill.

SB624 Relocation of Human Remains

Uploaded by: David Zinner

Position: FAV

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.

Testimony SB624 hearing Feb 12, 2025.pdf

Uploaded by: Eileen McGuckian

Position: FAV



Senate Judicial Proceedings Committee Hearing on SB624 Hearing Date: February 12, 2025

CPMBS position: FAV

The Coalition to Protect Maryland Burial Sites was organized in 1992 by Marylanders distressed by the weak protections for cemeteries existing in the Maryland Code. Some protective legislation has been enacted in past decades, and now it is time to strengthen State laws and procedures. Current State law is insufficient and infrequently enforced at local levels to protect cemeteries from desecration, vandalism, neglect, and exploitation. Stronger State laws and uniform procedures, better documentation, public awareness, widespread information, and guidance are sorely needed.

Several of the initiatives filed this session were called out in a 2022 report to the Joint Chairmen on Historic African American Cemeteries in Maryland. This survey and study with recommendations provides templates for improving the situations of all cemeteries, with emphasis on sites where ownership is unknown and the site is abandoned, on creating a complete inventory of all known Maryland cemeteries, and on improving current law where experience shows it cannot protect descendants nor the physical sites.

https://africanamerican.maryland.gov/wp-content/uploads/sites/3/2022/07/2022-Historic-African-American-Cemeteries-JCR-Report_small.pdf

CPMBS supports the concepts of SB624, to increase notice requirements for proposed relocation of remains, to allow State's Attorney offices to share non-criminal cases with OCO, to take descendant notification more seriously, and to update this authorization process.

While the Coalition is a State-wide nonprofit, my experience in Montgomery County lends insight into recognition of the outdatedness of this process. Permitting State's Attorneys to concentrate on criminal situations and OCO some others is a good step forward.

SB624 provides needed improvement to certain situations, including the likelihood that descendants or other persons of interest will learn in time of disinterments or development at sites where loved ones are buried. The improvements outlined in SB624 provide greater protection for Maryland citizens, living and deceased. This bill acknowledges the limitations of previous laws and raises protections while providing more assurance to descendants and interested parties that tighter rules will result in better outcomes.

Thank you for your consideration.

Eileen McGuckian, President
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Coalition to Protect Maryland Burial Sites, Inc.

P.O. Box 1533 | Ellicott City, Maryland 21041 | www.cpmbs.org

SB624 Elinor Thompson

Uploaded by: Elinor Thompson

Position: FAV

SB 624 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) The Ancestral Remains Project was also supported by Governor Wes Moore. I helped to write and develop the Cemetery Report in 2022 along with Maryland Historical Trust.

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 to honor and respect the people who have paved the way for all of our future generations and to provided generational protection by respecting, preserving, protecting documenting thier eternal resting places. Tanyard and 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 SB624

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 624_ Written Testimony_ Jennifer Johnson.pdf

Uploaded by: Jennifer Johnson

Position: FAV

Dear Chairperson and Members of the Judicial Proceedings and Finance Committees,

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 many who worked and lived in West Baltimore.

I come from a paternal family lineage of funeral directors, so I know how important it is to take care of the deceased. This includes initial burial and it also includes when one needs to move burial sites. "Relocation of Human Remains – Authorization Process" formalizes the process with the Office of Cemetery Oversight and the States Attorney's Office.

Please support "Relocation of Human Remains – Authorization Process" SB 624. Thanks for your time and consideration.

Sincerely,
Jennifer Johnson
Founder Friends of St. Peter's Cemetery

SB624.pdf

Uploaded by: Jesse Bennett

Position: FAV

DISENTERMENT – Testimony of Jesse Bennett before the Judicial Proceedings and Finance Committee – February 12, 2025 in support of SB 624

Dear Chairperson and Members of the Judicial Proceedings Committee,

My name is Jesse Bennett, and I am the Volunteer Research Coordinator for the historic 153-year-old Mount Auburn Cemetery, located in the Westport/Mount Winans area of Baltimore City, where over 65,000 burials have been identified. I am a member of the Maryland Cemetery Legislative Advocates.

Although there has been very few disinterment on record for our cemetery over the past twenty-five years, I am here to support SB 616 and its effort to clarify the process how.

The monitoring by the Office of Cemetery Operations would reduce the number of complaints received and provide the State's Attorney with the ability to refer people to the office of OCO. Then disinterment, reinterment, and/or relocation records shall be retained by OCO, and accessible.

Please support SB 624.

SB 624 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 624 – Relocation of Human Remains – Authorization Process

Dear Chair Smith:

I am writing on behalf of the Maryland Cemetery and Cremation Association (“MCCA”) in Support of Senate Bill 624.

Senate Bill 624 seeks to clarify the administrative process that a person seeking to permanently relocate human remains is required to adhere to. While the current process for relocation and reinterment can be lengthy and stressful for a family and include significant delays for a person while seeking authorization from a State’s Attorney, MCCA supports proposals that will ensure appropriate review and consideration of any issue arising from relocation and reinterment.

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

SB624 - letter to Judicial Proceedings and Finance

Uploaded by: Mark Edwards

Position: FAV



February 9, 2025

TO: Members of the Judicial Proceedings and Finance Committees

SUBJECT: SB624 - Support Relocation of Human Remains – Authorization Process

Good morning. 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.

SB624 changes the Criminal Code and amends 10-402 to involve the Office of Cemetery Oversight (OCO) in non-criminal cases, leaving criminal cases to the State's Attorneys with improved notice to descendants. This legislation involves disinterment (removal of a dead human or pet body from the ground after burial) and reinterment (the act of reburying and/or re-intombing a body). A change in existing legislation is needed because current law does not require either the State's Attorney or the Health Department to investigate whether descendants have been notified and does not give the descendants a voice in the process. The current law is inadequate because it only requires pro forma public notices. 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. Also, the lack of required monitoring of compliance with the law results in complaints that the State's Attorney and Health departments must address although the current law does not assign responsibility for monitoring the processes and results of disinterments and reinterments.

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 approval or disapproval. A variety of benefits would derive from this legislation. A few of these are:

- Expanded requirements and the inclusion of the term “persons in interest” in addition to that of “family” offer recognition of the complexities of modern relationships by more accurately describing people that should be notified of impending disinterment and increasing the likelihood of proper notification.
- Monitoring by the OCO would reduce the number of complaints received and provide the State’s Attorney with the ability to refer people to OCO for expert assistance.
- Fees for OCO research would reimburse OCO for their expenses incurred.
- Verification of the identity and/or purpose of the requestor.
- Disinterment, reinterment, and/or relocation records would be retained and be accessible.

For these reasons, I request that you support SB624. Thank you for your consideration of my request.

Mark Edwards
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Silver Spring, MD 20910
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(301) 758-8867

MDP SB 624 Support with Amendments Written Testimo

Uploaded by: Andrew Wilson

Position: FWA



Maryland DEPARTMENT OF PLANNING

HEARING DATE: February 12th at 1:00 PM

BILL NO: SB624

COMMITTEE: Judicial Proceedings

POSITION: Support with Amendments

FOR INFORMATION CONTACT: Andrew Wilson (443) 721-6789

TITLE: Relocation of Human Remains – Authorization Process

BILL ANALYSIS:

SB 624 would require a person seeking to relocate human remains from a burial site to apply for approval for relocation with the Office of Cemetery Oversight (OCO) before seeking authorization from the State's Attorney. The person is responsible for prominently posting notice of the request at the burial site, for publishing notification of the proposed relocation in a newspaper, and for providing notice of the intent to relocate the remains to potential descendants.

POSITION AND RATIONALE:

MDP supports this bill with an amendment that would allow the OCO to issue exemptions to the publication requirements for archaeological study, much in the same way that existing Section 10-403 exempts those activities. This amendment is needed to protect sensitive archaeological sites and ensure that the locations of burial sites where looting could be a concern are not publicized.

Burial sites encompass “any natural or prepared physical location, whether originally located below, on, or above the surface of the earth into which human remains or associated funerary objects are deposited as a part of a death rite or ceremony of any culture, religion, or group”, which includes all prehistoric burial places in Maryland dating back at least 13,000 years. Prehistoric burials routinely include grave offerings, which are targeted by looters for sale. In order to protect these sensitive archaeologically related burial sites, MHT restricts access to archaeological site location data to professional archeologists and those working under their

direct supervision, and property owners for sites on their property. Legislative support for this position can be found in both the Public Information Act (particularly General Provisions § 4-350(a)) and the Maryland Historical Trust Act (particularly State Finance and Procurement § 5A-323(c)).

AMENDMENTS TO SENATE BILL 624

(First Reading File Bill)

AMENDMENT NO. 1

On page 7, in line 5, after (E) insert “(1)”

AMENDMENT NO. 2

On page 7, in line 8, insert **(2) THE OFFICE MAY EXEMPT AN APPLICANT FROM THE NOTICE AND INFORMATIONAL MEETING REQUIREMENTS OF THIS SECTION IF IT DETERMINES THAT THE APPLICANT IS ACTING IN THE COURSE OF ARCHAEOLOGICAL STUDY.**

SB 624 -LOI Relocation of Human Remains - Authoriz

Uploaded by: John Dove

Position: INFO

MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION ON SB 624.

TO: Senate Finance & Senate Judicial Proceedings Committees
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight
DATE: February 12, 2025
BILL: SB 624 - Relocation of Human Remains - Authorization Process

Senate Bill 624 requires a person seeking to relocate human remains from a burial site to apply for approval for relocation with the Office of Cemetery Oversight ("Office") before seeking authorization from a State's Attorney. This bill will establish requirements and procedures for an application for authorization to relocate human remains as well as requiring the Office to delay authorization for 90 days for relocation of human remains under certain circumstances.

The bill contains a funding mechanism to deposit fines collected under this proposal into the Office's segregated fund, although it's unclear if that could occur. According to Business Regulations § 5-310(f), civil penalties collected by the Office for violations of the Maryland Cemetery Act are paid into the general fund. However, this proposed legislation would fall under Criminal Law Article - not the Cemetery Act. Typically, fines under the Criminal Law Article are kept by the prosecuting government agency, which would be the State's Attorneys Office for that particular county. This legislation would change that and could create the appearance of a conflict of interest for the Office, where the Office is incentivized by this legislation to find violations to increase its segregated fund. Each segregated fund in the Department of Labor avoids this potential conflict.

Additionally, the Office does not have a way to estimate the amount of disinterment and reinterment requests each State's Attorney Office across the State receives and approves on a yearly basis. The number of additional employees to handle the



LEGISLATIVE OFFICE
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requests could be underestimated. It is not clear whether these fines would offset the added staff required to fulfill the obligations created by this bill.

The OCO is a small, self-funded unit. When fully staffed, the OCO consists of a total of three full-time employees and one part-time employee. Due to the Office's limited staffing, the Office will have to increase staff to handle the new duties created by Senate Bill 624. Since the Office is a self-funded unit, the Office will struggle to absorb the additional staffing and legal expenses that will be necessary to fulfill the goals of this legislation.

For questions, please contact Andrew Fulginiti, at **Andrew.Fulginiti@maryland.gov**