

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1236 (Delegate Parrott, *et al.*)
Health and Government Operations

Health - Reporting of Death and Burial or Disposal of Body - Requirements and Penalties

This bill requires an individual who has personal knowledge of someone else's death or who has personally discovered a body to provide notice of the death within four hours after discovery to specified individuals. The bill also restricts where an individual may bury or dispose of a body. The bill establishes criminal penalties for violating the provisions of the bill.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's criminal penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's criminal penalty provisions.

Small Business Effect: None.

Analysis

Bill Summary: An individual who has personal knowledge about a death or discovers a body must report the death or discovery to (1) a law enforcement officer; (2) a physician who has provided medical treatment to the deceased individual within 30 days prior to the discovery; or (3) a 9-1-1 system or public safety answering point. An individual is not required to report if he or she reasonably believes the death or discovery has already been reported.

An individual may only dispose of a body (1) in a family burial plot or other area allowed by local ordinance; (2) in a crematory; (3) in a cemetery; (4) by donating the body to medical science; or (5) by removing the body to another state for final legal disposition.

Anyone who violates the provisions of the bill is guilty of a misdemeanor and subject to up to one year imprisonment and/or a maximum fine of \$5,000.

Current Law: There is no general statewide requirement to report a dead body or knowledge of a death to authorities. However, regulations require that a physician, funeral director, or other person who has knowledge of the occurrence of a death – that may have been the result of violence, suicide, or may have occurred by casualty or suddenly when the person was in apparent health, or not attended by a physician, or when the death may have occurred in any suspicious or unusual manner – must report it without delay to the police. There is no penalty for violating the regulations.

The practice of mortuary science without a license is prohibited, but there are no statutes addressing the proper disposal of a human body or associated penalties.

Background: The lack of specific statewide laws addressing the disposal of human remains has created concern in Maryland resulting from reported cases involving the disposal and nonreporting of human remains.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: SB 580 (Senators Shank and Jacobs) - Judicial Proceedings and Finance.

Information Source(s): Cities of Bowie and Takoma Park, Department of Health and Mental Hygiene, Department of State Police, Maryland Institute for Emergency Medical Services Systems, Montgomery County, Department of Legislative Services

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