

HOUSE BILL 593

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4lr0960

By: **Delegates Hutchinson, Adams, Hartman, Sample–Hughes, and Schmidt**
Introduced and read first time: January 24, 2024
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Destruction of Funerary Objects and Cemetery Elements –**
3 **Statute of Limitations**

4 FOR the purpose of increasing the statute of limitations for prosecutions relating to
5 destroying funerary objects and other elements of a cemetery; and generally relating
6 to the statute of limitations for prosecution of the crime of destroying funerary
7 objects and other elements of a cemetery.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–106(a)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)

13 BY adding to
14 Article – Courts and Judicial Proceedings
15 Section 5–106(gg)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Law
20 Section 10–404(a), (b), and (d)
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2023 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 5-106.

2 (a) Except as provided by this section, § 1-303 of the Environment Article, and §
3 8-1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
4 instituted within 1 year after the offense was committed.

5 **(GG) A PROSECUTION FOR A VIOLATION OF § 10-404(A) AND (B) OF THE**
6 **CRIMINAL LAW ARTICLE RELATING TO THE DESTRUCTION OF FUNERARY OBJECTS**
7 **AND OTHER ELEMENTS OF A CEMETERY SHALL BE INSTITUTED WITHIN 5 YEARS**
8 **AFTER THE OFFENSE WAS COMMITTED.**

9 **Article - Criminal Law**

10 10-404.

11 (a) (1) Subject to the provisions of paragraph (2) of this subsection, a person
12 may not willfully destroy, damage, deface, or remove:

13 (i) an associated funerary object or another structure placed in a
14 cemetery; or

15 (ii) a building, wall, fence, railing, or other work, for the use,
16 protection, or ornamentation of a cemetery.

17 (2) The provisions of paragraph (1) of this subsection do not prohibit the
18 removal of a funerary object or a building, wall, fence, railing, or other object installed for
19 the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair
20 or replacement, either at the request of or with the permission of heirs or descendants of
21 the deceased or the owner or manager of the cemetery or burial site.

22 (b) (1) Subject to the provisions of paragraph (2) of this subsection, a person
23 may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

24 (2) The provisions of paragraph (1) of this subsection do not prohibit
25 normal maintenance of a cemetery or burial site, including trimming of trees and shrubs,
26 removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

27 (d) A person who violates this section is guilty of a misdemeanor and on conviction
28 is subject to:

29 (1) for a violation of subsection (a) of this section, imprisonment not
30 exceeding 5 years or a fine not exceeding \$10,000 or both; and

31 (2) for a violation of subsection (b) or (c) of this section, imprisonment not
32 exceeding 2 years or a fine not exceeding \$500 or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2024.