

# HOUSE BILL 593

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4lr0960

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By: **Delegates Hutchinson, Adams, Hartman, Sample-Hughes, ~~and Schmidt~~  
Schmidt, Crutchfield, Phillips, Arikan, and Kaufman**

Introduced and read first time: January 24, 2024

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of increasing the statute of limitations for prosecutions relating to  
5 destroying funerary objects and other ~~structures in~~ elements of a cemetery to begin  
6 at the time local authorities knew or reasonably should have known of the violation;  
7 prohibiting a person from willfully destroying, damaging, defacing, or removing  
8 landscaping or part of the grounds of a cemetery; and generally relating to the  
9 statute of limitations for and prosecution of the crime of destroying funerary objects  
10 and other elements of a cemetery.

11 BY repealing and reenacting, without amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 5–106(a)  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – Courts and Judicial Proceedings  
18 Section 5–106(gg)  
19 Annotated Code of Maryland  
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Law  
 2 Section 10–404(a)  
 3 Annotated Code of Maryland  
 4 (2021 Replacement Volume and 2023 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – Criminal Law  
 7 Section ~~10–404(a)~~ 10–404(b) and (d)  
 8 Annotated Code of Maryland  
 9 (2021 Replacement Volume and 2023 Supplement)

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

12 **Article – Courts and Judicial Proceedings**

13 5–106.

14 (a) Except as provided by this section, § 1–303 of the Environment Article, and §  
 15 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be  
 16 instituted within 1 year after the offense was committed.

17 **(GG) A PROSECUTION FOR A VIOLATION OF § 10–404(A) OR (B) OF THE**  
 18 **CRIMINAL LAW ARTICLE RELATING TO THE DESTRUCTION OF FUNERARY OBJECTS**  
 19 **AND ~~STRUCTURES IN~~ OTHER ELEMENTS OF A CEMETERY SHALL BE INSTITUTED**  
 20 **WITHIN ~~5~~ 3 YEARS AFTER THE ~~OFFENSE WAS COMMITTED~~ LOCAL AUTHORITIES IN**  
 21 **FACT KNEW OR REASONABLY SHOULD HAVE KNOWN OF THE VIOLATION.**

22 **Article – Criminal Law**

23 10–404.

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

26 (i) an associated funerary object or another structure placed in a  
 27 cemetery; ~~or~~

28 (ii) a building, wall, fence, railing, or other work, for the use,  
 29 protection, or ornamentation of a cemetery; **OR**

30 **(III) LANDSCAPING OR PART OF THE GROUNDS OF A CEMETERY.**

31 (2) The provisions of paragraph (1) of this subsection do not prohibit the  
 32 removal of a funerary object or a building, wall, fence, railing, **LANDSCAPING**, or other  
 33 object installed for the use, protection, or ornamentation of a cemetery or burial site, for

1 the purpose of repair or replacement, either at the request of or with the permission of heirs  
2 or descendants of the deceased or the owner or manager of the cemetery or burial site.

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.