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Annotated Code of Maryland: Criminal Law
Title 10. Crimes Against Public Health, Conduct, and Sensibilities
Subtitle 4. Crimes Relating to Human Remains

§ 10-401. Definitions

(a) In general. -- In this subtitle the following words have the meanings indicated.

**** Revisor's Note**

This subsection is new language derived without substantive change from former Art. 27, § 265(a)(1) and the introductory language of former §§ 267(a)(1) and 267A(a)(1).

**** Revisor's Note**

In this subsection, the reference to this "subtitle" is substituted for the former references to "subheading" and this "section" to reflect the reorganization of material derived from the former subheadings on the removal of human remains from burial sites, graveyard desecration, and trading in human remains and associated funerary objects. Although this substitution applies the defined term "permanent cemetery" in § 10-404(e), which is derived from former Art. 27, § 267(d), a provision to which it did not originally apply, the term is used in a manner consistent with the term "permanent cemetery" used in the former law. No substantive change is intended.

(b) Associated funerary object. --

(1) "Associated funerary object" means an item of human manufacture or use that is intentionally placed:

- (i) with human remains at the time of interment in a burial site; or
- (ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

**** Revisor's Note**

This subsection is new language substituted for former Art. 27, §§ 265(a)(2), 267(a), and 267A(a) as they defined "associated funerary object".

**** Revisor's Note**

In this subsection and throughout this subtitle, the defined term "funerary object" is substituted for the former defined term "associated funerary object" for brevity.

**** Revisor's Note**

In this subsection, the reference to placement "after interment" is substituted for the former reference to "later" placement for clarity.

- (c) Burial site. --
- (1) "Burial site" means a 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 ceremony of a culture, religion, or group.
 - (2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

**** Revisor's Note**

This subsection is new language substituted for former Art. 27, § 265(a)(3).

**** Revisor's Note**

In this subsection and throughout this subtitle, the former references to a death "rite" are deleted as included in the references to a death "ceremony".

- (d) Permanent cemetery. -- "Permanent cemetery" means a cemetery that is owned by:
- (1) a cemetery company regulated under Title 5 of the Business Regulation Article;
 - (2) a nonprofit organization; or
 - (3) the State.

**** Revisor's Note**

This subsection formerly was Art. 27, § 265(a)(4).

**** Revisor's Note**

No changes are made.

History

An. Code 1957, art. 27, §§ 265(a), 267(a), 267A(a); 2002, ch. 26, § 2; 2003, ch. 21, § 1; 2009, ch. 675.

§ 10-402. Removing human remains without authority

- (a) Prohibited. -- Except as provided in subsections (b) and (f) of this section, a person may not remove or attempt to remove human remains from a burial site.
- (b) Exception. -- Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:
 - (1) to ascertain the cause of death of the person whose remains are to be removed;
 - (2) to determine whether the human remains were interred erroneously;
 - (3) for the purpose of reburial; or
 - (4) for medical or scientific examination or study allowed by law.
- (c) Exception -- Notice. --
 - (1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.
 - (2) The notice shall be published in the newspaper one time.
 - (3) The notice shall contain:
 - (i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;