

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved April 26, 2005.

CHAPTER 208

(House Bill 410)

AN ACT concerning

Criminal Law - Destroying Funerary Objects - Revisions

FOR the purpose of ~~repealing the element of willfulness in certain prohibitions relating to the destruction of funerary objects~~; providing that a certain prohibition against the destruction of funerary objects does not prohibit certain repair or replacement activities; providing that a certain prohibition relating to the destruction of funerary objects does not prohibit certain care and maintenance activities; and generally relating to the prohibition against destruction of funerary objects.

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 10-404

Annotated Code of Maryland

(2002 Volume and 2004 Supplement)

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

Article - Criminal Law

10-404.

(a) (1) [A] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A person may not ~~willfully~~ destroy, damage, deface, or remove:

[(1)](I) an associated funerary object or another structure placed in a cemetery; or

[(2)](II) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION DO NOT PROHIBIT THE REMOVAL OF A FUNERARY OBJECT OR A BUILDING, WALL, FENCE, RAILING, OR OTHER OBJECT INSTALLED FOR THE USE, PROTECTION, OR ORNAMENTATION OF A CEMETERY OR BURIAL SITE, FOR THE PURPOSE OF REPAIR OR REPLACEMENT, EITHER AT THE REQUEST OF OR WITH THE PERMISSION OF HEIRS OR DESCENDANTS OF THE DECEASED OR THE OWNER OR MANAGER OF THE CEMETERY OR BURIAL SITE.