

Section 267A to be under the new subheading "Trading in Human Remains and Associated Funerary Objects"

Annotated Code of Maryland

(1992 Replacement Volume and 1993 Supplement)

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

Article 27 – Crimes and Punishments

TRADING IN HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS

267A.

(A) (1) IN THIS SUBHEADING, "ASSOCIATED FUNERARY OBJECT" MEANS AN ITEM OF HUMAN MANUFACTURE OR USE THAT IS INTENTIONALLY PLACED WITH HUMAN REMAINS AT THE TIME OF INTERMENT IN A BURIAL SITE OR LATER AS A PART OF A DEATH RITE OR CEREMONY OF A CULTURE, RELIGION, OR GROUP.

(2) "ASSOCIATED FUNERARY OBJECT" INCLUDES ANY GRAVESTONE, MONUMENT, TOMB, OR OTHER STRUCTURE IN OR DIRECTLY ASSOCIATED WITH A BURIAL SITE.

(B) (1) UNLESS AUTHORIZED UNDER § 265 OF THIS ARTICLE OR § 4-215 OR § 5-408 OF THE HEALTH - GENERAL ARTICLE, ANY PERSON WHO KNOWINGLY SELLS, BUYS, OR TRANSPORTS FOR SALE OR PROFIT, OR OFFERS TO BUY, SELL, OR TRANSPORT FOR SALE OR PROFIT, WITHIN THIS STATE, ANY UNLAWFULLY REMOVED HUMAN REMAINS OR ANY ASSOCIATED FUNERARY OBJECT OBTAINED IN VIOLATION OF ARTICLE 27, § 267 OF THE CODE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

(I) ANY PERSON ACTING IN THE COURSE OF MEDICAL, ARCHAEOLOGICAL, EDUCATIONAL, OR SCIENTIFIC STUDY; OR

(II) A LICENSED MORTICIAN OR OTHER PROFESSIONAL WHO TRANSPORTS HUMAN REMAINS IN THE COURSE OF CARRYING OUT THE INDIVIDUAL'S PROFESSIONAL DUTIES AND RESPONSIBILITIES.

(C) ALL HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS OBTAINED IN VIOLATION OF THIS SUBHEADING OR OF ARTICLE 27, §§ 265 THROUGH 267 OF THE CODE ARE SUBJECT TO APPROPRIATION BY THE STATE FOR MANAGEMENT, CARE, AND ADMINISTRATION BY THE MARYLAND HISTORICAL TRUST UNTIL A DETERMINATION OF FINAL DISPOSITION AS PROVIDED BY LAW.