

THIS SECTION MAY NOT BE CONSTRUED TO INTERFERE WITH THE NORMAL OPERATION AND MAINTENANCE OF A CEMETERY INCLUDING:

(1) CORRECTION OF IMPROPER BURIAL SITING; AND

(2) MOVING THE HUMAN REMAINS WITHIN A CEMETERY WITH THE CONSENT OF A PERSON WHO QUALIFIES AS AN HEIR AS DEFINED IN § 1-101 OF THE ESTATES AND TRUSTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 267A(b) through (d).

In subsection (a)(2) of this section, the former reference to "responsibilities" is deleted as surplusage.

In subsections (b) and (d) of this section, the former references to the "State" are deleted as unnecessary.

In subsection (d) of this section, the reference to this "subtitle" is substituted for the former reference to "this subheading or of Article 27, §§ 265 and 267 of the Code", to reflect the reorganization of material derived from the former subheading on graveyard desecration.

In subsection (e) of this section, the reference to an heir as defined in "§ 1-101 of" the Estates and Trusts Article is added for clarity.

Also in subsection (e) of this section, the former references to a "public or private" cemetery are deleted as surplusage.

Defined terms: "Funerary object" § 10-401
"Person" § 1-101

10-404. CEMETERY — DESTROYING FUNERARY OBJECTS; INDECENT CONDUCT.

(A) PROHIBITED — DESTRUCTION OF FUNERARY OBJECT.

A PERSON MAY NOT WILLFULLY DESTROY, DAMAGE, DEFACE, OR REMOVE:

(1) A FUNERARY OBJECT OR ANOTHER STRUCTURE PLACED IN A CEMETERY; OR

(2) A BUILDING, WALL, FENCE, RAILING, OR OTHER WORK, FOR THE USE, PROTECTION, OR ORNAMENTATION OF A CEMETERY.

(B) SAME — DESTRUCTION OF FOLIAGE.

A PERSON MAY NOT WILLFULLY DESTROY, DAMAGE, OR REMOVE A TREE, PLANT, OR SHRUB IN A CEMETERY.

(C) SAME — INDECENT OR DISORDERLY CONDUCT.

A PERSON MAY NOT ENGAGE IN INDECENT OR DISORDERLY CONDUCT IN A CEMETERY.

(D) PENALTY.