

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

(2) FOR A VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(E) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT PROHIBIT THE REMOVAL OF HUMAN REMAINS OR A FUNERARY OBJECT FROM AN ABANDONED CEMETERY IF:

(1) THE REMOVAL IS AUTHORIZED IN WRITING BY THE STATE'S ATTORNEY OF THE COUNTY IN WHICH THE CEMETERY CONTAINING THE HUMAN REMAINS OR FUNERARY OBJECT IS LOCATED; AND

(2) THE HUMAN REMAINS OR FUNERARY OBJECT ARE PLACED IN AN ACCESSIBLE PLACE IN A PERMANENT CEMETERY.

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

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

In subsection (a) of this section, the former references to a person who "mutilates" or "injures" are deleted as included in the reference to a person who "destroy[s], damage[s], [or] deface[s]".

In subsection (b) of this section, the word "damage" is substituted for the former reference to "cuts [and] breaks" for clarity and brevity.

In subsection (e) of this section, the words "human remains" are substituted for the former reference to "remains of any human body" for clarity and uniformity within this subtitle.

In subsection (e)(1) of this section, the former reference to "Baltimore City" is deleted in light of the defined term "county".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that a literal reading of subsection (b) of this section, prohibiting the willful destruction, damage, and removal of a plant in a cemetery, would prohibit normal horticultural maintenance, including trimming of trees and shrubs and even lawn cutting.

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