

SENATE BILL 234

C2

6lr1476

By: Senator Salling

Introduced and read first time: January 15, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Abandoned Cemeteries – Acquisition and Disposition**

3 FOR the purpose of authorizing a governmental unit to acquire property on which an
4 abandoned cemetery is located under certain circumstances and for a certain
5 purpose; requiring a governmental unit that acquires property under this Act to
6 make a certain effort to contact certain persons for a certain purpose; authorizing a
7 person or organization to bring an action to request the court to transfer property
8 acquired under this Act to the person or organization; and generally relating to
9 abandoned cemeteries.

10 BY repealing and reenacting, without amendments,

11 Article – Business Regulation

12 Section 5–805(a)(1) and (2)

13 Annotated Code of Maryland

14 (2024 Replacement Volume and 2025 Supplement)

15 BY adding to

16 Article – Business Regulation

17 Section 5–806

18 Annotated Code of Maryland

19 (2024 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Real Property

22 Section 14–121(a)(1) and (3)

23 Annotated Code of Maryland

24 (2023 Replacement Volume and 2025 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Business Regulation

2 5–805.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) “Abandoned cemetery” means a cemetery for which:

5 (i) 1. the organization established to engage in the operation of
6 the cemetery has been terminated, has been subject to administrative dissolution by the
7 State, or has otherwise ceased to exist; and

8 2. title has not been conveyed;

9 (ii) there is no property owner listed in the records of the State
10 Department of Assessments and Taxation;

11 (iii) the property has been condemned; or

12 (iv) no person who is legally responsible for the property can be found
13 and legal ownership of the property cannot be determined.

14 5–806.

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) “ABANDONED CEMETERY” HAS THE MEANING STATED IN § 5–805
18 OF THIS SUBTITLE.

19 (3) “CULTURAL AFFILIATION” HAS THE MEANING STATED IN § 14–121
20 OF THE REAL PROPERTY ARTICLE.

21 (4) “DESCENDANT COMMUNITY ORGANIZATION” MEANS AN
22 ORGANIZATION WHOSE MEMBERS HAVE ANCESTORS WHO ARE INTERRED IN A
23 PARTICULAR CEMETERY OR WHO HAVE A CULTURAL AFFILIATION OR A RACIAL OR
24 ETHNIC AFFINITY WITH THE DECEASED PERSONS INTERRED IN A PARTICULAR
25 CEMETERY.

26 (B) (1) A GOVERNMENTAL UNIT MAY, BY CONDEMNATION, ACQUIRE
27 PROPERTY ON WHICH AN ABANDONED CEMETERY IS LOCATED WITH THE INTENT TO
28 TRANSFER THE PROPERTY TO:

29 (I) THE DESCENDANTS OF THE DECEASED PERSONS INTERRED
30 IN THE CEMETERY;

1 (ii) A DESCENDANT COMMUNITY ORGANIZATION; OR

2 (iii) A NONPROFIT ORGANIZATION.

3 (2) A GOVERNMENTAL UNIT USING CONDEMNATION PROCEEDINGS
4 TO ACQUIRE PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
5 CONDUCT THE CONDEMNATION IN ACCORDANCE WITH MARYLAND RULE 12-204.

6 (c) (1) A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY ON WHICH
7 AN ABANDONED CEMETERY IS LOCATED UNDER SUBSECTION (B) OF THIS SECTION
8 SHALL MAKE TIMELY AND REASONABLE EFFORTS AFTER ACQUISITION TO CONTACT
9 DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE ABANDONED
10 CEMETERY IN ORDER TO IDENTIFY DESCENDANTS, A DESCENDANT COMMUNITY
11 ORGANIZATION, OR A NONPROFIT ORGANIZATION TO WHICH THE PROPERTY MAY BE
12 TRANSFERRED.

13 (2) A PERSON OR ORGANIZATION LISTED UNDER SUBSECTION (B)(1)
14 OF THIS SECTION MAY BRING AN ACTION REQUESTING THE COURT TO TRANSFER
15 PROPERTY ACQUIRED BY A GOVERNMENTAL UNIT UNDER THIS SECTION TO THE
16 PERSON OR ORGANIZATION.

17 (d) ANY DESCENDANT, DESCENDANT COMMUNITY ORGANIZATION, OR
18 NONPROFIT ORGANIZATION THAT ACQUIRES PROPERTY UNDER SUBSECTION (B) OF
19 THIS SECTION SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY ON
20 THE PROPERTY.

21 (e) IF A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY UNDER
22 SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER THE PROPERTY TO A
23 PERSON DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION WITHIN A
24 REASONABLE PERIOD OF TIME, THE GOVERNMENTAL UNIT:

25 (1) SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY
26 LOCATED ON THE PROPERTY; AND

27 (2) MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS OR
28 PET REMAINS FROM THE CEMETERY ON THE PROPERTY TO AN OPERATIONAL
29 CEMETERY.

30 Article – Real Property

31 14-121.

32 (a) (1) In this section the following words have the meanings indicated.

1 (3) "Cultural affiliation" means a relationship of shared group identity that
2 can be reasonably traced historically between a present-day group, tribe, band, or clan and
3 an identifiable earlier group.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2026.