

ASSEMBLY, No. 2244

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

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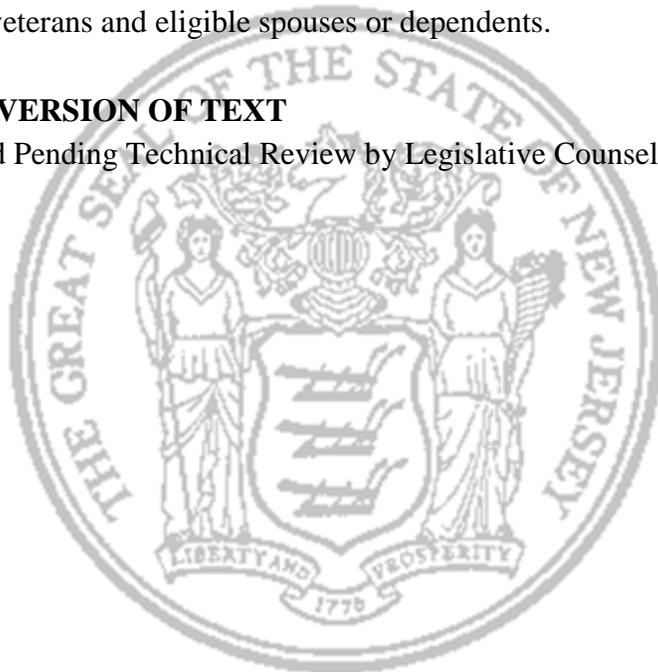
Assemblymen Peterson, S.Kean, Assemblywoman Schepisi, Assemblymen Rooney, Wirths, Space, Karabinchak, Houghtaling, Johnson, Assemblywomen Gove, Pinkin, Assemblymen Rumpf, Armato and Danielsen

SYNOPSIS

Revises provisions of State law concerning claiming and proper disposal of remains of veterans and eligible spouses or dependents.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

A2244 DANCER, MURPHY

2

1 AN ACT concerning claiming and proper disposal of the cremains of
2 veterans and eligible spouses or dependents and amending
3 various parts of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to
9 read as follows:

10 2. a. Except as provided by subsection b. of this section, a
11 person may dispose of the cremains of a dead human body which
12 have not been claimed by a relative or friend of the deceased within
13 one year from the date of cremation upon certification, to the
14 commissioner's satisfaction, that a diligent effort has been made to
15 identify, locate and notify a relative or friend of the deceased within
16 that one-year period. A diligent effort shall include a certified
17 letter, return receipt requested, mailed to the person who authorized
18 the cremation.

19 As used in this section, "cremains" means that substance which
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c.340
22 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the
23 right to receive the cremains of a veteran, or the cremains of an
24 eligible spouse or eligible dependent of a veteran, which have not
25 been claimed by a relative or friend of the deceased within one year
26 after cremation upon certification, to the commissioner's
27 satisfaction, that a diligent effort, as defined in subsection a. of this
28 section, has been made to identify, locate and notify a relative or
29 friend of the deceased within that one-year period.

30 A qualified veterans' organization which takes possession of
31 cremains pursuant to this section shall dispose of the cremains by
32 scattering them at sea or by interring them on land in a dignified
33 manner at the State-operated, Brigadier General William C. Doyle
34 Veterans' Memorial Cemetery, a State-operated veterans' memorial
35 cemetery, a national veterans' memorial cemetery, or a local
36 veterans' memorial cemetery, if the individual is eligible for
37 interment at **[that facility]** those facilities.

38 As used in this section, "qualified veterans' organization" means
39 a veterans' organization that qualifies as a section 501(c)(3) or
40 501(c)(19) tax exempt organization under the Internal Revenue
41 Code, or a federally chartered Veterans' Service Organization.

42 c. A funeral home or mortuary, or an agent of the funeral home
43 or mortuary, or a funeral director, or qualified veterans'
44 organization, shall not be liable for damages in any civil action

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 arising out of the disposal of cremains pursuant to this section
2 unless the damages are the result of gross negligence or willful
3 misconduct.

4 (cf: P.L.2009, c.14, s.1)

5

6 2. R.S.26:8-63 is amended to read as follows:

7 26:8-63. The State registrar shall:

8 a. Furnish a certification or certified copy of a birth, marriage,
9 civil union, domestic partnership, fetal death or death certificate
10 without fee in the prosecution of any claim for public pension or for
11 military or naval enlistment purposes; and

12 b. Furnish the United States Public Health Service without
13 expense to the State, microfilm or photocopy images of birth,
14 marriage, civil union, domestic partnership, fetal death and death
15 certificates without payment of the fees prescribed in this article;
16 and

17 c. Furnish a certified transcript of any entry in the records of
18 the New Jersey State census without fee for certification in the
19 prosecution of any claim for public pension, for military or naval
20 enlistment purposes; and

21 d. Furnish without fee upon request for administrative use by
22 any city, State or federal agency a certified transcript of any New
23 Jersey State census entry, or a certification or certified copy of a
24 birth, death, fetal death, marriage, civil union or domestic
25 partnership certificate; and

26 e. Furnish without fee upon request a certified copy of a
27 veteran's death certificate to the veteran's legal representative, the
28 executor or administrator of the veteran's estate, **[or]** to a family
29 member authorized to obtain a copy of the death certificate pursuant
30 to subsection a. of R.S.26:8-62, or to a qualified veterans'
31 organization which takes possession of a veteran's cremains with
32 the intention of properly disposing of them pursuant to section 2 of
33 P.L.1983, c.385 (C.26:7-18.2). No more than one copy of a
34 veteran's death certificate may be provided without fee pursuant to
35 this subsection; all other copies of the death certificate shall be
36 subject to the statutory fee; and

37 f. Furnish without fee upon request by a homeless person a
38 certified copy of the person's birth certificate, provided that the
39 person submits the request through a social worker or the
40 coordinator of the emergency shelter for the homeless where the
41 person is temporarily residing. The request shall be transmitted on
42 the emergency shelter's letterhead and shall include the shelter's
43 employer identification number and an attestation by the
44 coordinator that the person requesting the certificate is currently
45 homeless and residing at the shelter or the request shall be
46 submitted on the social worker's agency or professional practice
47 letterhead and shall include the agency's or the professional
48 practice's employer identification number and an attestation by the

1 social worker that the person requesting the certificate is currently
2 homeless. A certified copy of a birth certificate furnished pursuant
3 to this subsection shall be transmitted to the social worker or
4 coordinator who transmitted the request. No more than one
5 certified copy of a birth certificate furnished to a homeless person
6 pursuant to this subsection shall be provided without fee; all other
7 copies of the birth certificate shall be subject to the statutory fee.

8 As used in this section:

9 "Fee" includes, but is not limited to, any search, certification,
10 processing, authentication, standard shipping, or other fees that
11 would ordinarily be assessed to furnish a certified copy of a
12 certificate or transcript; and

13 "Homeless person" means a person without a domicile who is
14 unable to secure permanent and stable housing as determined by a
15 social worker or the coordinator of an emergency shelter for the
16 homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et
17 seq.).

18 (cf: P.L.2016, c.98, s.1)

19
20 3. Section 2 of P.L.1989, c.135 (C.38A:3-2b1) is amended to
21 read as follows:

22 2. The Division of Veterans' **Administrative** Services in the
23 Department of Military and Veterans' Affairs is directed to establish
24 a program to oversee the transfer of the remains of veterans, or the
25 remains of eligible spouses or eligible dependents of veterans, from
26 paupers' or potters' cemeteries to the **Arneytown** Brigadier
27 General William C. Doyle Veterans' Memorial Cemetery at the
28 request of the veterans' next-of-kin, friends or fellow veterans. This
29 service shall be provided without cost to the requester. As part of
30 this program, the division shall also inform the general public that
31 this service is available and explain the procedure for requesting
32 that the remains be transferred to the **Arneytown** Brigadier
33 General William C. Doyle Veterans' Memorial Cemetery.

34 (cf: P.L.1989, c.135, s.2)

35
36 4. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to
37 read as follows:

38 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
39 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
40 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
41 18.2), the right to receive the cremains of a veteran, or the cremains
42 of an eligible spouse or eligible dependent of a veteran, which have
43 not been claimed by a relative or friend of the deceased within one
44 year after cremation upon certification, to the satisfaction of the
45 Commissioner of Health **and Senior Services**, that a diligent
46 effort, as defined in subsection a. of section 2 of P.L.1983, c.385
47 (C.26:7-18.2), has been made to identify, locate and notify a

1 relative or friend of the deceased within that one-year period, as
2 provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

3 A qualified veterans' organization which takes possession of
4 cremains pursuant to this section shall dispose of the cremains by
5 scattering them at sea or by interring them on land in a dignified
6 manner at the State-operated, Brigadier General William C. Doyle
7 Veterans' Memorial Cemetery, a State-operated veterans' memorial
8 cemetery, a national veterans' memorial cemetery, or a local
9 veterans memorial cemetery, if the individual is eligible for
10 interment at **【that facility】** those facilities.

11 b. A funeral home or mortuary, or an agent of the funeral home
12 or mortuary, or a funeral director, or qualified veterans'
13 organization, shall not be liable for damages in any civil action
14 arising out of the disposal of cremains pursuant to this section
15 unless the damages are the result of gross negligence or willful
16 misconduct.

17 (cf: P.L.2009, c.14, s.2)

18

19 5. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill revises the provisions of State law concerning the
25 claiming and proper disposal of the cremains of veterans and their
26 eligible spouses or eligible dependents. The bill permits a funeral
27 director to grant a qualified veterans' organization the right to
28 receive the cremains of the eligible spouse or eligible dependent of
29 a veteran, which have not been claimed by a relative or friend of the
30 deceased within one year after cremation. Currently, only the
31 veteran's cremains may be received by a qualified veteran's
32 organization.

33 The bill also provides that cremains may be interred at the
34 Brigadier General William C. Doyle Veterans' Memorial Cemetery,
35 a State-operated veterans' memorial military cemetery, or a national
36 veterans' memorial military cemetery, or a local veterans' memorial
37 cemetery, if the individual is eligible for interment at those
38 facilities. Currently, cremains can only be interred at the Brigadier
39 General William C. Doyle Veterans' Memorial Cemetery.

40 The bill directs the Division of Veterans' Services in the
41 Department of Military and Veterans' Affairs to establish a program
42 to oversee the transfer of the remains of eligible spouses or eligible
43 dependents of veterans, from paupers' or potters' cemeteries to the
44 Brigadier General William C. Doyle Veterans' Memorial Cemetery
45 at the request of the veterans' next-of-kin, friends or fellow
46 veterans. Currently, only the veteran's cremains may be
47 transferred, and only to the Brigadier General William C. Doyle
48 Veterans' Memorial Cemetery.