

ASSEMBLY, No. 4359

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 2, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Dunn

SYNOPSIS

Requires DMVA provide central website registry of unclaimed veteran cremains for veteran organization locating services; Requires funeral director report possession of unclaimed veteran cremains.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/16/2020)

1 AN ACT concerning unclaimed cremains of veterans and amending
2 P.L.1983, c.385, P.L.2009, c.14, and N.J.S.38A:3-6.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to
8 read as follows:

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

18 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
19 32 et seq.), who, after due diligence to find a relative or friend of
20 the deceased, is knowingly in possession of the unclaimed cremains
21 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
22 6.3), shall notify the New Jersey Department of Military and
23 Veterans Affairs, by written or electronic communication, of the
24 location and identity of such cremains one year after the date of
25 cremation.

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

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

36 A qualified veterans' organization which takes possession of
37 cremains pursuant to this section shall dispose of the cremains by
38 scattering them at sea or by interring them on land in a dignified
39 manner at the State-operated, Brigadier General William C. Doyle
40 Memorial Cemetery, if the individual is eligible for interment at
41 that facility.

42 As used in this section, "qualified veterans' organization" means
43 a veterans' organization that qualifies as a section 501(c)(3) or
44 501(c)(19) tax exempt organization under the Internal Revenue
45 Code, or a federally chartered Veterans' Service Organization.

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 c. A funeral home or mortuary, or an agent of the funeral home
2 or mortuary, or a funeral director, or qualified veterans'
3 organization, shall not be liable for damages in any civil action
4 arising out of the disposal of cremains pursuant to this section
5 unless the damages are the result of gross negligence or willful
6 misconduct.

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

8
9 2. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to
10 read as follows:

11 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
12 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
13 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
14 18.2), the right to receive the cremains of a veteran which have not
15 been claimed by a relative or friend of the deceased within one year
16 after cremation upon certification, to the satisfaction of the
17 Commissioner of Health and Senior Services, that a diligent effort,
18 as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-
19 18.2), has been made to identify, locate and notify a relative or
20 friend of the deceased within that one-year period, as provided
21 under section 2 of P.L.1983, c.385 (C.26:7-18.2).

22 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
23 32 et seq.), who, after due diligence to find a relative or friend of
24 the deceased, is knowingly in possession of the unclaimed cremains
25 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
26 6.3), shall notify the New Jersey Department of Military and
27 Veterans Affairs, by written or electronic communication, of the
28 location and identity of such cremains one year after the date of
29 cremation.

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 Memorial Cemetery, if the individual is eligible for interment at
35 that facility.

36 b. A funeral home or mortuary, or an agent of the funeral home
37 or mortuary, or a funeral director, or qualified veterans'
38 organization, shall not be liable for damages in any civil action
39 arising out of the disposal of cremains pursuant to this section
40 unless the damages are the result of gross negligence or willful
41 misconduct.

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

43
44 3. N.J.S. 38A:3-6 is amended to read as follows:

45 38A:3-6. Under the direction of the Governor, the Adjutant
46 General shall:

47 (a) Exercise control over the affairs of the Department of
48 Military and Veterans' Affairs and in connection therewith make

1 and issue such regulations governing the work of the Department of
2 Military and Veterans' Affairs and the conduct of its employees as
3 may, in his judgment, be necessary or desirable.

4 (b) Be the request officer of the Department of Military and
5 Veterans' Affairs within the meaning of such term as defined in
6 section 1 of P.L.1944, c.112 (C.52:27B-1).

7 (c) (Deleted by amendment, P.L.1988, c.138.)

8 (d) Command the organized militia of the State, with
9 responsibility for recruiting, mobilization, administration, training,
10 discipline, equipping, supply and general efficiency thereof. He
11 may issue such regulations and delegate such command functions as
12 he shall deem necessary. The regulations so issued shall, insofar as
13 possible, conform to the federal laws and regulations concerning the
14 same.

15 (e) Maintain the archives and be the custodian of the records
16 and papers required, by laws or regulations, to be filed with the
17 Department of Military and Veterans' Affairs.

18 (f) Supervise, administer and coordinate those activities of the
19 selective service system for which the Governor is responsible.

20 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
21 or in any other lawful manner, in the name of and for the use of the
22 State of New Jersey, all those parcels of land as shall be necessary
23 for armories and other militia facilities, and supervise the design,
24 construction, alteration, maintenance and repair of said property.

25 (h) Establish and maintain such headquarters as may be required
26 for the militia.

27 (i) Exercise the powers vested in him and perform such other
28 duties and functions as required of him by the Governor and by
29 federal and State laws and regulations.

30 (j) Exercise all of the functions, powers and duties heretofore
31 vested in the Director of the Division on Veterans' Programs and
32 Special Services.

33 (k) Appoint and remove officers and other personnel employed
34 within the department, subject to the provisions of N.J.S.38A:3-8
35 and Title 11A of the New Jersey Statutes and other applicable
36 statutes, except as herein otherwise specifically provided.

37 (l) Have authority to organize and maintain an administrative
38 division and to assign to employment therein secretarial, clerical
39 and other assistants in the department or the Adjutant General's
40 Office for the purpose of providing centralized support to all
41 segments of the department, including budgeting, personnel
42 administration and oversight of equal opportunity programs.

43 (m) Perform, exercise and discharge the functions, powers and
44 duties of the department through such divisions as may be
45 established by this act or otherwise by law.

46 (n) Organize the work of the department in divisions not
47 inconsistent with the provisions of this act and in bureaus and other

1 organizational units as the Adjutant General may determine to be
2 necessary for efficient and effective operation.

3 (o) Adopt, issue and promulgate, in the name of the department,
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), such rules and regulations as may be
6 authorized by law.

7 (p) Institute, or cause to be instituted, legal proceedings or
8 processes as necessary to properly enforce and give effect to any of
9 the Adjutant General's powers or duties.

10 (q) Make an annual report to the Governor and to the
11 Legislature of the department's operations, and render other reports
12 as the Governor shall from time to time request or as may be
13 required by law.

14 (r) Coordinate the activities of the department, and the several
15 divisions and other agencies therein, in a manner designed to
16 eliminate overlapping and duplicative functions.

17 (s) Integrate within the department, so far as practicable, all
18 staff services of the department and of several divisions and other
19 agencies therein.

20 (t) Request access to all relevant files and records of other State
21 agencies, which may be made available to the Adjutant General by
22 the head of a State agency, and request, subject to the permission of
23 the head of the State agency, any officer or employee therein to
24 provide information as necessary to assist in the performance of the
25 functions of the department.

26 (u) Supervise and operate the New Jersey Veterans' Memorial
27 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
28 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
29 the New Jersey Veterans' Memorial Cemetery-Arneytown.

30 (v) Supervise and operate the liaison office and the field offices
31 which serve the federal Veterans' Affairs Medical Centers.

32 (w) Make application for federal grants and programs, other than
33 education grants or funds.

34 (x) Administer the federally-funded training and rehabilitation
35 programs, except for the administration of federally-funded
36 education and training programs set forth in 38 U.S.C. s.36 et seq.

37 (y) Provide current information to the general public on State
38 and federal veterans' programs and benefits; create a comprehensive
39 public webpage for women veterans that includes, but is not limited
40 to, the following information: veterans' legal rights, benefits,
41 medical and insurance issues, education, the transition from active
42 service to civilian life, and other resources available to veterans.

43 (z) Develop and administer the New Jersey Homeless Veterans
44 Grant Program established pursuant to section 3 of P.L.2013, c.239
45 (C.38A:3-6.2b).

46 (aa) Encourage and facilitate the registration of each service
47 member residing in New Jersey with the United States Department
48 of Veterans Affairs, or its successor agency. Registration shall take

1 place, as appropriate, when the service member returns from
2 deployment on federal active duty or is discharged or as soon as
3 possible thereafter. The term "service member" shall mean
4 members of the New Jersey National Guard and members of the
5 United States Armed Forces, or a Reserve component thereof, when
6 the information on each member is made available to the
7 department.

8 (bb) Develop and coordinate a volunteer-based program
9 comprised of former servicemembers to assist and mentor veterans
10 who become involved with the criminal justice system, while
11 criminal proceedings are pending and afterward, in accessing
12 assistance to resolve the underlying problems that led or contributed
13 to the veteran's involvement with the criminal justice system
14 including, but not limited to, offering support and guidance,
15 securing housing, employment linkages, job training, education,
16 transportation, disability compensation claims, discharge status,
17 health care and other linkages available at the local, State and
18 federal level that can ease the challenge of reentry into civilian life.
19 In addition, the Adjutant General shall develop a registry of
20 volunteer mentors and make the registry available pursuant to
21 P.L.2017, c.42 (C.2C:43-23 et al.).

22 (cc) Prepare and disseminate a directory of Veterans Diversion
23 Resource Program entities currently available within New Jersey
24 pursuant to P.L.2017, c.42 (C.2C:43-23 et al.).

25 (dd) Create a comprehensive public webpage for Gold Star
26 family members that includes, but is not limited to, the following
27 information: State benefits; State and county liaisons; a list of
28 service members from New Jersey killed in action; links to other
29 Gold Star family organizations; and such other information and
30 resources as the Adjutant General deems necessary and beneficial to
31 a Gold Star family member. A "Gold Star family member" means
32 the spouse, domestic partner, partner in a civil union, parent,
33 brother, sister, child, legal guardian, or other legal custodian,
34 whether of the whole or half blood, or by adoption.

35 (ee) Identify each New Jersey resident who enrolls in the
36 United States Military Academy, United States Naval Academy,
37 United States Coast Guard Academy, United States Merchant
38 Marine Academy, or United States Air Force Academy, and issue a
39 New Jersey State flag to that individual.

40 (ff) Develop and maintain an Internet-based central reporting
41 system to provide the location and identity of unclaimed cremains
42 of veterans, as provided to the department by funeral directors,
43 licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.).

44 (cf: P.L.2019, c.283, s.1)

45

46 4. This act shall take effect immediately.

STATEMENT

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2
3 According to qualified veterans organizations, cremains of
4 veterans have been abandoned on average 28 years, some as long as
5 50 years and others as long as 66 years. Currently, funeral directors
6 make a diligent effort to identify, locate and notify a relative or
7 friend of the deceased, but sometimes the remains go unclaimed.
8 Oftentimes this causes funeral directors to continuously store
9 remains until they are claimed and given a proper burial. Under a
10 2009 law, funeral directors were given permission to grant veteran
11 organizations and Veteran Service Organizations the right to
12 receive cremains of veterans that have been unclaimed for a year.
13 Under this bill, funeral directors will continue to make diligent
14 efforts to find a relative or loved one of the deceased. Any
15 cremains that remain one year after the date of cremation and the
16 funeral directors diligent efforts, will be recorded and the funeral
17 directors will notify the New Jersey Department of Military and
18 Veterans Affairs by written or electronic communication that they
19 are in possession of unclaimed cremains of veterans. The bill also
20 requires the Department of Military and Veterans Affairs to create
21 and maintain an Internet-based central reporting system of the
22 location and identity of unclaimed cremains of veterans.
23 Some veteran organizations and Veterans Service Organizations
24 currently spend an inordinate amount of volunteer time attempting to
25 locate the cremains of veterans. The central reporting system at the
26 Department of Military and Veterans Affairs will assist and
27 facilitate these organizations to locate unclaimed cremains of
28 veterans. This legislation will provide for the veterans to be laid to
29 rest in a more timely manner with the honor and respect that they
30 deserve.