

SENATE, No. 1770

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senator Brown

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2020)

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
45 arising out of the disposal of cremains pursuant to this section

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 unless the damages are the result of gross negligence or willful
2 misconduct.

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

4

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

6 26:8-63. The State registrar shall:

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

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

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

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

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

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

1 homeless. A certified copy of a birth certificate furnished pursuant
2 to this subsection shall be transmitted to the social worker or
3 coordinator who transmitted the request. No more than one
4 certified copy of a birth certificate furnished to a person who is
5 homeless pursuant to this subsection shall be provided without fee;
6 all other copies of the birth certificate shall be subject to the
7 statutory fee. On or before December 31 of each year, the State
8 Registrar shall report to the Office of Homelessness Prevention in
9 the Department of Community Affairs an accounting of each
10 instance in which the State Registrar furnished without fee a
11 certified copy of a person's birth certificate pursuant to this
12 subsection.

13 As used in this section:

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

18 "Person who is homeless " means a person without a domicile
19 who is unable to secure permanent and stable housing as determined
20 by a social worker or the coordinator of an emergency shelter for
21 the homeless established pursuant to P.L.1985, c.48 (C.55:13C-
22 1 et seq.).

23 (cf: P.L.2019, c.73, s.5)

24

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

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

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

40

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

43 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
44 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
45 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
46 18.2), the right to receive the cremains of a veteran, or the cremains
47 of an eligible spouse or eligible dependent of a veteran, which have
48 not been claimed by a relative or friend of the deceased within one

1 year after cremation upon certification, to the satisfaction of the
2 Commissioner of Health **and Senior Services**, that a diligent
3 effort, as defined in subsection a. of section 2 of P.L.1983, c.385
4 (C.26:7-18.2), has been made to identify, locate and notify a
5 relative or friend of the deceased within that one-year period, as
6 provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

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

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

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

22
23 5. This act shall take effect immediately.

24 25 26 STATEMENT

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

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

44 The bill directs the Division of Veterans' Services in the
45 Department of Military and Veterans' Affairs to establish a program
46 to oversee the transfer of the remains of eligible spouses or eligible
47 dependents of veterans, from paupers' or potters' cemeteries to the
48 Brigadier General William C. Doyle Veterans' Memorial Cemetery

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1 at the request of the veterans' next-of-kin, friends or fellow
2 veterans. Currently, only the veteran's cremains may be
3 transferred, and only to the Brigadier General William C. Doyle
4 Veterans' Memorial Cemetery.