

SENATE, No. 2501

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 4, 2020

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Defines indigent veteran and veteran status for certain veteran interment purposes.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the interment of indigent veterans and amending
2 R.S.38:17-1, R.S.38:17-3; R.S.38:17-4, and P.L.2013, c.238.

3

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

6

7 1. R.S.38:17-1 is amended to read as follows:

8 38:17-1. The board of chosen freeholders in each of the counties
9 shall designate a proper authority, other than that designated by law
10 for the care of paupers and the custody of criminals, who shall cause
11 to be interred the bodies of all **【honorably discharged】** veterans of
12 the United States Armed Forces discharged under conditions other
13 than dishonorable, including the bodies of all honorably discharged
14 members of the American Merchant Marine who served during
15 World War II and have been declared by the United States
16 Department of Defense to be eligible for federal veterans' benefits,
17 who die indigent **【without leaving means sufficient to defray funeral**
18 **expenses】**. The expense of such funeral shall not exceed in any case
19 the sum of \$1,250 for burial or cremation.

20 For the purposes of this section:

21 “Indigent” shall mean a person who has an income that is below
22 200 percent of the federal poverty level; and

23 “Poverty level” shall mean the official poverty level based on
24 family size established and adjusted under Section 673(2) of Subtitle
25 B. of the federal “Community Services Block Grant Act,” Pub.L.97-
26 35 (42 U.S.C. s.9902(2)).

27 (cf: P.L.2013, c.238, s.1)

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29 2. Section 2 of P.L.2013, c.238 (C.38:17-2.1) is amended to read
30 as follows:

31 2. The county medical examiner, or a designee, shall be
32 responsible for the positive identification of an unidentified indigent
33 deceased person. The supervisor of veterans' interment or county
34 medical examiner, as appropriate, shall contact the Department of
35 Military and Veterans' Affairs upon receipt of an unclaimed indigent
36 deceased person to ascertain **【whether or not that person is a veteran】**
37 the veteran status of the person. The supervisor of veterans'
38 interment or county medical examiner, as appropriate, shall be
39 notified upon determination of the veteran status of the person. If the
40 person was a veteran discharged under conditions other than
41 dishonorable, the supervisor of veterans' interment or county medical
42 examiner, as appropriate, shall cause burial or cremation to occur
43 within 72 hours of notification of veteran status.

44 For the purposes of 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 “Indigent” shall mean a person who has an income that is below
2 200 percent of the federal poverty level; and

3 “Poverty level” shall mean the official poverty level based on
4 family size established and adjusted under Section 673(2) of Subtitle
5 B. of the federal “Community Services Block Grant Act,” Pub.L.97-
6 35 (42 U.S.C. s.9902(2)).
7 (cf: P.L.2013, c.238, s.2)

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9 3. R.S.38:17-3 is amended to read as follows:

10 38:17-3. Any interment provided for by sections 38:17-1 to 38:17-
11 8 of this title shall not be made in any cemetery or plot used
12 exclusively for the burial of pauper dead, but may be made in a
13 county veterans' cemetery or, if appropriate, the Brigadier General
14 William C. Doyle Veterans' Memorial Cemetery or a National
15 Cemetery. The graves of any such deceased indigent veterans
16 discharged under conditions other than dishonorable, may be marked
17 by a headstone containing the name of the deceased and, if possible,
18 the organization to which he belonged or in which he served. Such
19 headstone shall be of such design and materials as shall be approved
20 by the governor, adjutant general and quartermaster general.

21 For the purposes of this section:

22 “Indigent” shall mean a person who has an income that is below
23 200 percent of the federal poverty level; and

24 “Poverty level” shall mean the official poverty level based on
25 family size established and adjusted under Section 673(2) of Subtitle
26 B. of the federal “Community Services Block Grant Act,” Pub.L.97-
27 35 (42 U.S.C. s.9902(2)).
28 (cf: P.L.2013, c.238, s.3)

29
30 4. R.S.38:17-4 is amended to read as follows:

31 38:17-4. The expense of the burial or cremation and headstone
32 shall be borne and paid by the county in which the deceased shall be
33 resident at the time of death, up to a cost of \$250. The State shall
34 provide additional funds for such expenses, if necessary, through an
35 annual appropriation and subject to the availability of funds. The
36 total cost shall not exceed \$1,250 for burial or cremation.

37 If in any county there is located a home or other institution for the
38 use, care, shelter and maintenance of such veterans not supported by
39 the county, such county shall not be liable for the burial or cremation
40 expenses and headstones of the deceased, unless the deceased was a
41 bona fide resident of such county at the time of his admission to such
42 home or institution, but the county in which he was resident at the
43 time of his admission to such home or institution shall defray, bear
44 and pay the cost of such burial or cremation and headstones.

45 This section shall apply only to deceased indigent veterans who
46 were discharged under conditions other than dishonorable.

47 For the purposes of this section:

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1 “Indigent” shall mean a person who has an income that is below
2 200 percent of the federal poverty level; and
3 “Poverty level” shall mean the official poverty level based on
4 family size established and adjusted under Section 673(2) of Subtitle
5 B. of the federal “Community Services Block Grant Act,” Pub.L.97-
6 35 (42 U.S.C. s.9902(2)).
7 (cf: P.L.2013, c.238, s.4)

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9 5. This act shall take effect immediately.

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STATEMENT

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14 This bill defines indigent veteran for county veteran interment
15 purposes. Current law does not define indigent, but under this bill,
16 “indigent” will mean a person who has an income that is below 200
17 percent of the federal poverty level. “Poverty level” will mean the
18 official poverty level based on family size established and adjusted
19 under the “Community Services Block Grant Act,” of Pub.L.97-35
20 (42 U.S.C. s.9902(2)).

21 The bill adds National cemeteries as a permissible burial site for a
22 deceased indigent veteran. The bill also changes the discharge status
23 of the veteran from honorable discharge to other than dishonorable,
24 encompassing a larger number of veterans.