

ASSEMBLY BILL

No. 1806

Introduced by Assembly Member Cook

February 21, 2012

An act to amend Section 952 of, and to add Sections 951.5 and 955 to, the Military and Veterans Code, relating to veteran interment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1806, as introduced, Cook. Veteran interment: veterans' remains organizations.

Existing law authorizes a cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran to release the remains to a veterans' remains organization, as defined, for interment after specified conditions are met, including possession of the remains for at least one year.

This bill would require a coroner's office or, if not already provided, a cemetery corporation or association, to make all necessary inquiries to determine whether an unclaimed body is that of a veteran or the dependent of a veteran and would allow the release of the remains of a veteran or dependent of a veteran after 45 days. The bill would require a coroner's office or a cemetery corporation or authority who determines that unclaimed remains are those of a veteran or dependent of a veteran, and that the remains meet the criteria for interment by a veterans' remains organization to report specified information to the Cemetery and Funeral Bureau. This bill would require the bureau to maintain a list of those unclaimed remains, and make that list available to veterans' remains organizations by phone or in person.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 951.5 is added to the Military and
2 Veterans Code, to read:

3 951.5. (a) A coroner’s office shall make all necessary inquiries
4 to determine whether an unclaimed body is that of a veteran or the
5 dependent of a veteran.

6 (b) If the information is not already provided, a cemetery
7 corporation or association shall make all necessary inquiries to
8 determine whether an unclaimed body is that of a veteran or the
9 dependent of a veteran.

10 SEC. 2. Section 952 of the Military and Veterans Code is
11 amended to read:

12 952. (a) A cemetery corporation or association, or other entity
13 in possession of the cremated remains of a veteran or dependent
14 of a veteran, shall, upon request of a veterans’ remains organization
15 and after verifying the status of the veterans’ remains organization
16 as an organization currently authorized by the Veterans
17 Administration and the National Personnel Records Center or as
18 an organization authorized by the local county board of supervisors
19 to verify and inter unclaimed cremated remains of American
20 veterans, release veteran status information to the veterans’ remains
21 organization.

22 (b) The use or disclosure of veteran status information obtained
23 by a veterans’ remains organization pursuant to subdivision (a)
24 shall be permitted only for the purpose of verifying veteran
25 interment benefits of the deceased veteran or a dependent of a
26 veteran with the Department of Veterans Affairs and shall not be
27 used or disclosed for any other purpose.

28 (c) The cemetery authority, cemetery corporation or association,
29 or other entity in possession of the cremated remains of a veteran
30 or dependent of a veteran may, upon request of a veterans’ remains
31 organization and after verifying the status of the veterans’ remains
32 organization as an organization currently authorized by the
33 Veterans Administration and the National Personnel Records
34 Center or as an organization authorized by the local county board
35 of supervisors to verify and inter unclaimed cremated remains of
36 American veterans, release the cremated remains of the veteran
37 or dependent of a veteran to a veterans’ remains organization for
38 the sole purpose of interment, subject to Section 943 and Sections

1 7110 and 7208 of the Health and Safety Code, when all of the
2 following conditions have been met:

3 (1) The veterans' remains organization has verified the interment
4 benefits of the deceased veteran or dependent of a veteran with
5 the Department of Veterans Affairs and provided documentation
6 of the verification to the cemetery authority, cemetery corporation
7 or association, or other entity that the decedent is a veteran or a
8 dependent of a veteran eligible for burial in a national or state
9 cemetery.

10 (2) The veterans' remains organization has made a reasonable
11 effort to locate the agent or family member who has the right to
12 control the cremated remains of the veteran or dependent of a
13 veteran.

14 (3) The veterans' remains organization has provided notice to
15 all known agents or family members who have the right to control
16 the cremated remains of the veteran or dependent of a veteran of
17 the veteran's remains organization's intent to claim the cremated
18 remains of the veteran or dependent of a veteran for the purpose
19 of providing a proper burial of the cremated remains of the veteran
20 or dependent of a veteran in accordance with Section 943 and
21 Sections 7110 and 7208 of the Health and Safety Code.

22 (4) An agent or family member who has the right to control the
23 cremated remains of the veteran or dependent of a veteran has
24 made no attempt to claim the cremated remains.

25 (5) The cremated remains have been in the possession of the
26 cemetery authority, cemetery corporation or association, or other
27 entity for a period of at least ~~one year~~ 45 days.

28 (d) The cemetery authority, cemetery corporation or association,
29 or other entity that releases veteran status information or cremated
30 remains of the veteran or dependent of a veteran pursuant to this
31 section shall not be subject to civil liability, except for gross
32 negligence, if all of the conditions of this section are met.

33 SEC. 3. Section 955 is added to the Military and Veterans
34 Code, to read:

35 955. (a) A coroner's office or a cemetery corporation or
36 authority that determines, pursuant to Section 951.5, that unclaimed
37 remains are those of a veteran or dependent of a veteran, and that
38 the remains meet the criteria for interment by a veterans' remains
39 organization pursuant to Section 952, shall report the following
40 information to the Cemetery and Funeral Bureau:

- 1 (1) The name, rank, and branch of service of the deceased or,
- 2 if the deceased is the dependent of a veteran, the name of the
- 3 deceased and the name, rank, and branch of service of the eligible
- 4 veteran.
- 5 (2) Dates of service.
- 6 (3) Location of the remains and a phone number and name for
- 7 the contact at that location.
- 8 (b) The Cemetery and Funeral Bureau shall create and maintain
- 9 a list of veterans and dependents of veterans whose remains are
- 10 reported pursuant to subdivision (a). This list shall be available to
- 11 the representatives of veterans' remains organizations by phone
- 12 or in person.