

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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 amended, 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~~ *the public administrator of a county to report all unclaimed remains to the county veteran service officer* 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~~ *a county veteran service officer* 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~~ *Department of Veterans Affairs*. This bill would require the ~~bureau~~ *department* to maintain a list of those unclaimed

remains, and make that list available to veterans' remains organizations by phone or in person. *By increasing the duties of counties, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. This act shall be known and may be cited as the*
2 *Burial with Honor Act of 2012.*

3 *SECTION 1.*

4 *SEC. 2. Section 951.5 is added to the Military and Veterans*
5 *Code, to read:*

6 ~~951.5. (a) A coroner's office shall make all necessary inquiries~~
7 ~~to determine whether an unclaimed body is that of a veteran or the~~
8 ~~dependent of a veteran.~~

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

13 *951.5. The public administrator of the county shall report all*
14 *unclaimed remains to the county veteran service officer. Following*
15 *a report from the public administrator, the county veteran service*
16 *officer shall determine whether the remains belong to a veteran*
17 *or the dependent of a veteran.*

18 ~~SEC. 2.~~

19 *SEC. 3. Section 952 of the Military and Veterans Code is*
20 *amended to read:*

21 *952. (a) A cemetery corporation or association, or other entity*
22 *in possession of the cremated remains of a veteran or dependent*
23 *of a veteran, shall, upon request of a veterans' remains organization*
24 *and after verifying the status of the veterans' remains organization*

1 as an organization currently authorized by the—Veterans
2 ~~Administration~~ *United States Department of Veterans Affairs* and
3 the National Personnel Records Center or as an organization
4 authorized by the local county board of supervisors to verify and
5 inter unclaimed cremated remains of American veterans, release
6 veteran status information to the veterans’ remains organization.

7 (b) The use or disclosure of veteran status information obtained
8 by a veterans’ remains organization pursuant to subdivision (a)
9 shall be permitted only for the purpose of verifying veteran
10 interment benefits of the deceased veteran or a dependent of a
11 veteran with the Department of Veterans Affairs and shall not be
12 used or disclosed for any other purpose.

13 (c) The cemetery authority, cemetery corporation or association,
14 or other entity in possession of the cremated remains of a veteran
15 or dependent of a veteran may, upon request of a veterans’ remains
16 organization and after verifying the status of the veterans’ remains
17 organization as an organization currently authorized by the
18 ~~Veterans Administration~~ *United States Department of Veterans*
19 *Affairs* and the National Personnel Records Center or as an
20 organization authorized by the local county board of supervisors
21 to verify and inter unclaimed cremated remains of American
22 veterans, release the cremated remains of the veteran or dependent
23 of a veteran to a veterans’ remains organization for the sole purpose
24 of interment, subject to Section 943 and Sections 7110 and 7208
25 of the Health and Safety Code, when all of the following conditions
26 have been met:

27 (1) The veterans’ remains organization has verified the interment
28 benefits of the deceased veteran or dependent of a veteran with
29 the Department of Veterans Affairs and provided documentation
30 of the verification to the cemetery authority, cemetery corporation
31 or association, or other entity that the decedent is a veteran or a
32 dependent of a veteran eligible for burial in a national or state
33 cemetery.

34 (2) The veterans’ remains organization has made a reasonable
35 effort to locate the agent or family member who has the right to
36 control the cremated remains of the veteran or dependent of a
37 veteran.

38 (3) The veterans’ remains organization has provided notice to
39 all known agents or family members who have the right to control
40 the cremated remains of the veteran or dependent of a veteran of

1 the veteran's remains organization's intent to claim the cremated
2 remains of the veteran or dependent of a veteran for the purpose
3 of providing a proper burial of the cremated remains of the veteran
4 or dependent of a veteran in accordance with Section 943 and
5 Sections 7110 and 7208 of the Health and Safety Code.

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

9 (5) The cremated remains have been in the possession of the
10 cemetery authority, cemetery corporation or association, or other
11 entity for a period of at least 45 days.

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

17 ~~SEC. 3.~~

18 *SEC. 4.* Section 955 is added to the Military and Veterans Code,
19 to read:

20 955. (a) ~~A coroner's office or a cemetery corporation or~~
21 ~~authority~~ *county veteran service officer* that determines, pursuant
22 to Section 951.5, that unclaimed remains are those of a veteran or
23 dependent of a veteran, and that the remains meet the criteria for
24 interment by a veterans' remains organization pursuant to Section
25 952, shall report the following information to the ~~Cemetery and~~
26 ~~Funeral Bureau~~ *Department of Veterans Affairs*:

27 (1) The name, rank, and branch of service of the deceased or,
28 if the deceased is the dependent of a veteran, the name of the
29 deceased and the name, rank, and branch of service of the eligible
30 veteran.

31 (2) Dates of service.

32 (3) Location of the remains and a ~~phone~~ *telephone* number and
33 name for the contact at that location.

34 (b) The ~~Cemetery and Funeral Bureau~~ *Department of Veterans*
35 *Affairs* shall create and maintain a list of veterans and dependents

36 of veterans whose remains are reported pursuant to subdivision
37 (a). This list shall be available to the representatives of veterans'
38 remains organizations by ~~phone~~ *telephone* or in person.

39 *SEC. 5.* *If the Commission on State Mandates determines that*
40 *this act contains costs mandated by the state, reimbursement to*

- 1 *local agencies and school districts for those costs shall be made*
- 2 *pursuant to Part 7 (commencing with Section 17500) of Division*
- 3 *4 of Title 2 of the Government Code.*

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