

AMENDED IN SENATE JUNE 11, 2012

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 the public administrator of a county to ~~report all unclaimed remains to the county veteran service officer~~ *make every reasonable effort to determine if the unclaimed remains of an individual in the possession of the county coroner belong to a veteran or the dependent of a veteran. The bill would require the public administrator to work with specified entities, including the county veteran service officer, to determine if the remains belong to 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 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 Department of Veterans Affairs. This bill would require the 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: 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 SEC. 2. Section 951.5 is added to the Military and Veterans  
4 Code, to read:

5 951.5. The public administrator of the county shall ~~report all~~  
6 ~~unclaimed remains to the county veteran service officer. Following~~  
7 ~~a report from the public administrator, the county veteran service~~  
8 ~~officer shall determine whether the remains make every reasonable~~  
9 ~~effort to determine if the unclaimed remains of an individual in~~  
10 ~~the possession of the county coroner belong to a veteran or the~~  
11 ~~dependent of a veteran. If there is reason to believe that the remains~~  
12 ~~belong to a veteran or the dependent of a veteran, the public~~  
13 ~~administrator shall work with the county veteran service officer,~~  
14 ~~a national veterans cemetery, the United States Social Security~~  
15 ~~Administration, the United States Department of Veterans Affairs,~~  
16 ~~or other applicable entity to determine if the remains belong to a~~  
17 ~~veteran or the dependent of a veteran.~~

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

20 952. (a) A cemetery corporation or association, or other entity  
21 in possession of the cremated remains of a veteran or dependent  
22 of a veteran, shall, upon request of a veterans’ remains organization

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

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

14 (c) The cemetery authority, cemetery corporation or association,  
15 or other entity in possession of the cremated remains of a veteran  
16 or dependent of a veteran may, upon request of a veterans' remains  
17 organization and after verifying the status of the veterans' remains  
18 organization as an organization currently authorized by the United  
19 States Department of Veterans Affairs and the National Personnel  
20 Records Center or as an organization authorized by the local county  
21 board of supervisors to verify and inter unclaimed cremated  
22 remains of American veterans, release the cremated remains of  
23 the veteran or dependent of a veteran to a veterans' remains  
24 organization for the sole purpose of interment, subject to Section  
25 943 and Sections 7110 and 7208 of the Health and Safety Code,  
26 when all of the following conditions 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. 4. Section 955 is added to the Military and Veterans  
18 Code, to read:

19 955. (a) (1) A county veteran service officer that determines,  
20 pursuant to Section 951.5, that unclaimed remains are those of a  
21 veteran or dependent of a veteran, and that the remains meet the  
22 criteria for interment by a veterans’ remains organization pursuant  
23 to Section 952, shall report the following information to the  
24 Department of Veterans Affairs:

25 ~~(1)~~

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

30 ~~(2)~~

31 (B) Dates of service.

32 ~~(3)~~

33 (C) Location of the remains and a telephone number and name  
34 for the contact at that location.

35 (2) *If, pursuant to Section 951.5, the public administrator of a*  
36 *county determines, without the involvement of the county veteran*  
37 *service officer, that the remains belong to a veteran or dependent*  
38 *of a veteran, the public administrator shall report this information*  
39 *to the county veteran service officer. Following this report, the*

1 *county veteran service officer shall follow the reporting procedures*  
2 *described in paragraph (1).*

3 (b) The Department of Veterans Affairs shall create and maintain  
4 a list of veterans and dependents of veterans whose remains are  
5 reported pursuant to subdivision (a). This list shall be available to  
6 the representatives of veterans' remains organizations by telephone  
7 or in person.

8 SEC. 5. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

O