SENATE, No. 1914

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED SEPTEMBER 30, 2002

Sponsored by:
Senator JOSEPH CHARLES, JR.
District 31 (Hudson)

SYNOPSIS
Clarifies responsibility of county to pay burial costs of indigent, unidentified or unclaimed deceased persons.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the burial of indigent, unidentified or unclaimed deceased persons, amending various sections of statutory law and repealing R.S.44:1-157.

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

1. Section 1 of P.L.1987, c.67 (C.40A:9-49.1) is amended to read as follows:

   Notwithstanding any provision of law, rule or regulation to the contrary, when an indigent person dies in his resident county without a surviving spouse, parent or emancipated child [and] or in a [municipality] county other than his resident [municipality] county, the resident county of the indigent decedent is responsible for the necessary and reasonable expenses for the burial. For the purposes of this act, "indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State pursuant to P.L.1959, c.86 (C.44:10-1 et seq.), P.L.1947, c.156 (C.44:8-107 et seq.) or P.L.1973, c.256 (C.44:7-85 et seq.), or by the county pursuant to N.J.S.40A:9-49.

2. N.J.S.40A:9-53 is amended to read as follows:

   In counties having morgue keepers, unidentified or unclaimed dead bodies shall be delivered to the morgue keeper, and if there be more than one, to the morgue keeper in the area where the body is at the time for such delivery. The morgue keeper shall receive and place the body in the morgue.

3. N.J.S.40A:9-54 is amended to read as follows:

   Unidentified or unclaimed dead bodies shall be viewed by the county medical examiner or a regularly licensed and practicing physician deputized for that purpose by the county medical examiner. Thereafter the body shall be buried by the morgue keeper at the expense of the county.

4. N.J.S.40A:9-56 is amended to read as follows:

   In any county where there is no morgue keeper, the procedure as to the disposition of unidentified or unclaimed dead bodies shall be as nearly similar as in counties having a morgue keeper.

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.
and the duties which would have been performed by the morgue
keeper, if there were one, shall be performed by the county medical
examiner.
(cf: N.J.S.40A:9-56)

5. R.S.44:1-157 is repealed.

6. This act shall take effect immediately.

STATEMENT

This bill clarifies that counties are responsible for the burial costs
of indigent, unidentified or unclaimed deceased persons that, prior to
death, resided within the county boundaries. Under current law there
is a conflict between R.S.44:1-157 and section 1 of P.L.1987, c.67
(C.40A:9-49.1) as to whether the municipality or county is responsible
for the burial costs. This bill repeals R.S.44:1-157 to make it clear
that the county is responsible for the burial costs and adds language to
other statutes to cover the disposition of unclaimed dead bodies,
whether or not an identity has been established. The bill covers the
situation of the burial of a known and claimed decedent who is
indigent and whose burial expenses are not covered by any State or
federal program. The bill also clarifies that the county of residence is
responsible for the necessary and reasonable expenses for burial of
their indigent residents who are not covered by any State or federal
program, regardless of the county where death occurs.