

SENATE, No. 3998

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 24, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator Andrzejczak

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/25/2019)

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

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

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

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

22 For the purposes of this section:

23 “Indigent” shall mean a person who has an income that is below
24 200 percent of the federal poverty level; and

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

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

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

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

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 For the purposes of this section:

2 “Indigent” shall mean a person who has an income that is below
3 200 percent of the federal poverty level; and

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

8 (cf: P.L.2013, c.238, s.2)

9

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

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

23 For the purposes of this section:

24 “Indigent” shall mean a person who has an income that is below
25 200 percent of the federal poverty level; and

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

30 (cf: P.L.2013, c.238, s.3)

31

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

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

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

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