

ASSEMBLY, No. 281

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Co-Sponsored by:

Assemblywoman Gove, Assemblyman Mukherji, Assemblywoman

Murphy, Assemblymen Benson and Dancer

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

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 counties
10 shall designate a proper authority, other than that designated by law
11 for the care of paupers and the custody of criminals, who shall
12 cause to be interred the bodies of all **[honorably discharged]**
13 veterans of the United States Armed Forces discharged under
14 conditions other than dishonorable, including the bodies of all
15 honorably discharged members of the American Merchant Marine
16 who served during World War II and have been declared by the
17 United States Department of Defense to be eligible for federal
18 veterans' benefits, who die indigent **[without leaving means**
19 **sufficient to defray funeral expenses]**. The expense of such funeral
20 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.

1 This section shall apply only to deceased indigent veterans who
2 were discharged under conditions other than dishonorable.

3 For the purposes of this section:

4 “Indigent” shall mean a person who has an income that is below
5 200 percent of the federal poverty level; and

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

10 (cf: P.L.2013, c.238, s.4)

11

12 5. This act shall take effect immediately.

13

14

15 STATEMENT

16

17 This bill defines indigent veteran for county veteran interment
18 purposes. Current law does not define indigent, but under this bill,
19 “indigent” will mean a person who has an income that is below 200
20 percent of the federal poverty level. “Poverty level” will mean the
21 official poverty level based on family size established and adjusted
22 under the “Community Services Block Grant Act,” of Pub.L.97-35
23 (42 U.S.C. s.9902(2)).

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.