

**ASSEMBLY, No. 2244**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Assemblymen Peterson, S.Kean, Assemblywoman Schepisi, Assemblymen Rooney, Wirths, Space, Karabinchak, Houghtaling, Johnson, Assemblywomen Gove, Pinkin, Assemblymen Rumpf, Armato, Daniels, McGuckin, Catalano, Benson, Scharfenberger, Assemblywoman DiMaso, Assemblyman DeAngelo and Senator Brown**

**SYNOPSIS**

Revises provisions of State law concerning claiming and proper disposal of cremains of veterans and eligible spouses or dependents.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Military and Veterans' Affairs Committee with technical review.

(Sponsorship Updated As Of: 1/28/2021)

1 AN ACT concerning claiming and proper disposal of the cremains of  
2 veterans and eligible spouses or dependents and amending  
3 various parts of the statutory law.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to  
9 read as follows:

10 2. a. Except as provided by subsection b. of this section, a  
11 person may dispose of the cremains of a dead human body which  
12 have not been claimed by a relative or friend of the deceased within  
13 one year from the date of cremation upon certification, to the  
14 commissioner's satisfaction, that a diligent effort has been made to  
15 identify, locate and notify a relative or friend of the deceased within  
16 that one-year period. A diligent effort shall include a certified  
17 letter, return receipt requested, mailed to the person who authorized  
18 the cremation.

19 As used in this section, "cremains" means that substance which  
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c.340  
22 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the  
23 right to receive the cremains of a veteran, or the cremains of an  
24 eligible spouse or eligible dependent of a veteran, which have not  
25 been claimed by a relative or friend of the deceased within one year  
26 after cremation upon certification, to the commissioner's  
27 satisfaction, that a diligent effort, as defined in subsection a. of this  
28 section, has been made to identify, locate and notify a relative or  
29 friend of the deceased within that one-year period.

30 A qualified veterans' organization which takes possession of  
31 cremains pursuant to this section shall dispose of the cremains by  
32 scattering them at sea or by interring them on land in a dignified  
33 manner at the State-operated, Brigadier General William C. Doyle  
34 Veterans' Memorial Cemetery, a State-operated veterans' memorial  
35 cemetery, a national veterans' memorial cemetery, or a local  
36 veterans' memorial cemetery, if the individual is eligible for  
37 interment at **that facility** those facilities.

38 As used in this section, "qualified veterans' organization" means  
39 a veterans' organization that qualifies as a section 501(c)(3) or  
40 501(c)(19) tax exempt organization under the Internal Revenue  
41 Code, or a federally chartered Veterans' Service Organization.

42 c. A funeral home or mortuary, or an agent of the funeral home  
43 or mortuary, or a funeral director, or qualified veterans'  
44 organization, shall not be liable for damages in any civil action

**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 arising out of the disposal of cremains pursuant to this section  
2 unless the damages are the result of gross negligence or willful  
3 misconduct.

4 (cf: P.L.2009, c.14, s.1)

5  
6 2. R.S.26:8-63 is amended to read as follows:

7 26:8-63. The State registrar shall:

8 a. Furnish a certification or certified copy of a birth, marriage,  
9 civil union, domestic partnership, fetal death or death certificate  
10 without fee in the prosecution of any claim for public pension or for  
11 military or naval enlistment purposes; and

12 b. Furnish the United States Public Health Service without  
13 expense to the State, microfilm or photocopy images of birth,  
14 marriage, civil union, domestic partnership, fetal death and death  
15 certificates without payment of the fees prescribed in this article;  
16 and

17 c. Furnish a certified transcript of any entry in the records of  
18 the New Jersey State census without fee for certification in the  
19 prosecution of any claim for public pension, for military or naval  
20 enlistment purposes; and

21 d. Furnish without fee upon request for administrative use by  
22 any city, State or federal agency a certified transcript of any New  
23 Jersey State census entry, or a certification or certified copy of a  
24 birth, death, fetal death, marriage, civil union or domestic  
25 partnership certificate; and

26 e. Furnish without fee upon request a certified copy of a  
27 veteran's death certificate to the veteran's legal representative, the  
28 executor or administrator of the veteran's estate, **[or]** to a family  
29 member authorized to obtain a copy of the death certificate pursuant  
30 to subsection a. of R.S.26:8-62, or to a qualified veterans'  
31 organization which takes possession of a veteran's cremains with  
32 the intention of properly disposing of them pursuant to section 2 of  
33 P.L.1983, c.385 (C.26:7-18.2). No more than one copy of a  
34 veteran's death certificate may be provided without fee pursuant to  
35 this subsection; all other copies of the death certificate shall be  
36 subject to the statutory fee; and

37 f. Furnish without fee upon request by a person who is  
38 homeless a certified copy of the person's birth certificate, provided  
39 that the person submits the request through a social worker or the  
40 coordinator of the emergency shelter for the homeless where the  
41 person is temporarily residing. The request shall be transmitted on  
42 the emergency shelter's letterhead and shall include the shelter's  
43 employer identification number and an attestation by the  
44 coordinator that the person requesting the certificate is currently  
45 homeless and residing at the shelter or the request shall be  
46 submitted on the social worker's agency or professional practice  
47 letterhead and shall include the agency's or the professional  
48 practice's employer identification number and an attestation by the

1 social worker that the person requesting the certificate is currently  
2 homeless. A certified copy of a birth certificate furnished pursuant  
3 to this subsection shall be transmitted to the social worker or  
4 coordinator who transmitted the request. No more than one  
5 certified copy of a birth certificate furnished to a person who is  
6 homeless pursuant to this subsection shall be provided without fee;  
7 all other copies of the birth certificate shall be subject to the  
8 statutory fee. On or before December 31 of each year, the State  
9 Registrar shall report to the Office of Homelessness Prevention in  
10 the Department of Community Affairs an accounting of each  
11 instance in which the State Registrar furnished without fee a  
12 certified copy of a person's birth certificate pursuant to this  
13 subsection.

14 As used in this section:

15 "Fee" includes, but is not limited to, any search, certification,  
16 processing, authentication, standard shipping, or other fees that  
17 would ordinarily be assessed to furnish a certified copy of a  
18 certificate or transcript; and

19 "Person who is homeless" means a person without a domicile  
20 who is unable to secure permanent and stable housing as determined  
21 by a social worker or the coordinator of an emergency shelter for  
22 the homeless established pursuant to P.L.1985, c.48 (C.55:13C-1 et  
23 seq.).

24 (cf: P.L.2019, c.73, s.5)

25

26 3. Section 2 of P.L.1989, c.135 (C.38A:3-2b1) is amended to  
27 read as follows:

28 2. The Division of Veterans' **【Administrative】** Services in the  
29 Department of Military and Veterans' Affairs is directed to establish  
30 a program to oversee the transfer of the remains of veterans, or the  
31 remains of eligible spouses or eligible dependents of veterans, from  
32 paupers' or potters' cemeteries to the **【Arneytown】** Brigadier  
33 General William C. Doyle Veterans' Memorial Cemetery at the  
34 request of the veterans' next-of-kin, friends or fellow veterans. This  
35 service shall be provided without cost to the requester. As part of  
36 this program, the division shall also inform the general public that  
37 this service is available and explain the procedure for requesting  
38 that the remains be transferred to the **【Arneytown】** Brigadier  
39 General William C. Doyle Veterans' Memorial Cemetery.

40 (cf: P.L.1989, c.135, s.2)

41

42 4. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to  
43 read as follows:

44 2. a. A funeral director, licensed pursuant to P.L.1952, c.340  
45 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as  
46 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-  
47 18.2), the right to receive the cremains of a veteran, or the cremains  
48 of an eligible spouse or eligible dependent of a veteran, which have

1 not been claimed by a relative or friend of the deceased within one  
2 year after cremation upon certification, to the satisfaction of the  
3 Commissioner of Health **and Senior Services**, that a diligent  
4 effort, as defined in subsection a. of section 2 of P.L.1983, c.385  
5 (C.26:7-18.2), has been made to identify, locate and notify a  
6 relative or friend of the deceased within that one-year period, as  
7 provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

8 A qualified veterans' organization which takes possession of  
9 cremains pursuant to this section shall dispose of the cremains by  
10 scattering them at sea or by interring them on land in a dignified  
11 manner at the State-operated, Brigadier General William C. Doyle  
12 Veterans' Memorial Cemetery, a State-operated veterans' memorial  
13 cemetery, a national veterans' memorial cemetery, or a local  
14 veterans memorial cemetery, if the individual is eligible for  
15 interment at **that facility** those facilities.

16 b. A funeral home or mortuary, or an agent of the funeral home  
17 or mortuary, or a funeral director, or qualified veterans'  
18 organization, shall not be liable for damages in any civil action  
19 arising out of the disposal of cremains pursuant to this section  
20 unless the damages are the result of gross negligence or willful  
21 misconduct.

22 (cf: P.L.2009, c.14, s.2)

23

24 5. This act shall take effect immediately.