

BILL NUMBER: AB 1806 AMENDED
BILL TEXT

AMENDED IN SENATE JUNE 11, 2012
AMENDED IN ASSEMBLY MARCH 26, 2012

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:

SECTION 1. This act shall be known and may be cited as the Burial with Honor Act of 2012.

SEC. 2. Section 951.5 is added to the Military and Veterans Code, to read:

951.5. The public administrator of the county shall ~~report all unclaimed remains to the county veteran service officer. Following a report from the public administrator, the county veteran service officer shall determine whether the remains~~ *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. If there is reason to believe that the remains belong to a veteran or the dependent of a veteran, the public administrator shall work with the county veteran service officer, a national veterans cemetery, the United States Social Security Administration, the United States Department of Veterans Affairs, or other applicable entity to determine if the remains belong to a veteran or the dependent of a veteran.*

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

952. (a) A cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran, shall, upon request of a veterans' remains organization and after verifying the status of the veterans' remains organization as an organization currently authorized by the United States Department of Veterans Affairs and the National Personnel Records Center or as an organization authorized by the local county board of supervisors to verify and inter unclaimed cremated remains of American veterans, release veteran status information to the veterans' remains organization.

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

(c) The cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains of a veteran or dependent of a veteran may, upon request of a veterans' remains organization and after verifying the status of the veterans' remains organization as an organization currently authorized by the United States Department of Veterans Affairs and the National Personnel Records Center or as an organization authorized by the local county board of supervisors to verify and inter unclaimed cremated remains of American veterans, release the cremated remains of the veteran or dependent of a veteran to a veterans' remains organization for the sole purpose of interment, subject to Section 943 and Sections 7110 and 7208 of the Health and Safety Code, when all of the following conditions have been met:

(1) The veterans' remains organization has verified the interment benefits of the deceased veteran or dependent of a veteran with the Department of Veterans Affairs and provided documentation of the verification to the cemetery authority, cemetery corporation or association, or other entity that the decedent is a veteran or a dependent of a veteran eligible for burial in a national or state cemetery.

(2) The veterans' remains organization has made a reasonable effort to locate the agent or family member who has the right to control the cremated remains of the veteran or dependent of a veteran.

(3) The veterans' remains organization has provided notice to all known agents or family members who have the right to control the cremated remains of the veteran or dependent of a veteran of the veteran's remains organization's intent to claim the cremated remains of the veteran or dependent of a veteran for the purpose of providing a proper burial of the cremated remains of the veteran or dependent of a veteran in accordance with Section 943 and Sections 7110 and 7208 of the Health and Safety Code.

(4) An agent or family member who has the right to control the cremated remains of the veteran or dependent of a veteran has made no attempt to claim the cremated remains.

(5) The cremated remains have been in the possession of the cemetery authority, cemetery corporation or association, or other entity for a period of at least 45 days.

(d) The cemetery authority, cemetery corporation or association, or other entity that releases veteran status information or cremated remains of the veteran or dependent of a veteran pursuant to this section shall not be subject to civil liability, except for gross negligence, if all of the conditions of this section are met.

SEC. 4. Section 955 is added to the Military and Veterans Code, to read:

955. (a) (1) A county veteran service officer that determines, pursuant to Section 951.5, 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 pursuant to Section 952, shall report the following information to the Department of Veterans Affairs:

~~(1)~~

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

~~(2)~~

(B) Dates of service.

~~(3)~~

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

(2) If, pursuant to Section 951.5, the public administrator of a county determines, without the involvement of the county veteran service officer, that the remains belong to a veteran or dependent of a veteran, the public administrator shall report this information to the county veteran service officer. Following this report, the county veteran service officer shall follow the reporting procedures described in paragraph (1).

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

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

the Government Code.