

FIRST REGULAR SESSION

SENATE BILL NO. 186

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 22, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1112S.011

AN ACT

To repeal section 194.360, RSMo, and to enact in lieu thereof one new section relating to unclaimed veterans' remains.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 194.360, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 194.360, to read as follows:

194.360. 1. As used in this section the following terms shall mean:

2 (1) "Funeral establishment", as defined in section 333.011, a funeral home,
3 a funeral director, an embalmer, or an employee of any of the individuals or
4 entities;

5 (2) "Information", **data required by the Department of Veterans**
6 **Affairs to verify a veteran or their dependent's eligibility for burial in**
7 **a national or state cemetery: name, service number, Social Security**
8 **number, date of birth, date of death, place of birth, and copy of death**
9 **certificate;**

10 (3) "Veteran", **a person honorably discharged from the armed**
11 **forces of the United States, including, but not limited to, the Philippine**
12 **Commonwealth Army, the Regular Scouts "Old Scouts", and the Special**
13 **Philippine Scouts "New Scouts";**

14 (4) "Veterans' service organization", [an association or other entity
15 organized for the benefit of veterans that has been recognized or chartered by the
16 United States Congress, including the Disabled American Veterans, Veterans of
17 Foreign Wars, the American Legion, the Legion of Honor, the Missing in America
18 Project, and the Vietnam Veterans of America. The term includes a member or
19 employee of any of those associations or entities] **a veterans organization that**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 is federally chartered by the Congress of the United States, veterans'
21 service organization recognized by the Department of Veterans Affairs
22 or that qualifies as a Section 501(c)(3) or 501(c)(19), non profit tax
23 exempt organization under the Internal Revenue Code that is organized
24 for the verification and burial of veterans and dependents.

25 2. A funeral home, coroner, crematorium, or other entity in
26 possession of cremated remains shall release the required information
27 to the Department of Veterans Affairs or veterans service organization
28 to obtain verification of veterans' or veterans' dependent
29 eligibility. When verification of a veteran or dependent is completed,
30 these entities may then transport the cremated remains to a state or
31 national veterans' cemetery. This shall transpire when all of the
32 following have been met:

33 (1) The entity has made reasonable efforts, thirty-day
34 notification letters or publish in local paper within thirty-day waiting
35 period, to locate the agent or family member who has the right to
36 control the cremated remains;

37 (2) No attempt has been made to claim the cremated remains by
38 the agent or family member who has the right to control the remains;

39 (3) The cremated remains have been in the entity's possession for
40 a period of at least one year.

41 3. A funeral [establishment is not liable for simple negligence in the
42 disposition of the cremated remains of a veteran to a veterans' service
43 organization for the purposes of interment by that organization if:

44 (1) The remains have been in the possession of the funeral establishment
45 for a period of at least one year, all or any part of which period may occur or may
46 have occurred before or after August 28, 2009;

47 (2) The funeral establishment has given notice, as provided in subdivision
48 (1) or (2) of subsection 3 of this section, to the person entitled to the remains
49 under section 194.350 of the matters provided in subsection 4 of this section; and

50 (3) The remains have not been claimed by the person entitled to the
51 remains under section 194.350 within the period of time provided for in
52 subsection 4 of this section following notice to the person entitled to the remains
53 under section 194.350.

54 3. In order for the immunity provided in subsection 2 of this section to
55 apply, a funeral establishment shall take the following action, alone or in

56 conjunction with a veterans' service organization, to provide notice to the person
57 entitled to the remains under section 194.350:

58 (1) Give written notice by mail to the person entitled to the remains under
59 section 194.350 for whom the address of the person entitled to the remains under
60 section 194.350 is known or can reasonably be ascertained by the funeral
61 establishment giving the notice; or

62 (2) If the address of the person entitled to the remains under section
63 194.350 is not known or cannot reasonably be ascertained, give notice to the
64 person entitled to the remains under section 194.350 by publication in a
65 newspaper of general circulation:

66 (a) In the county of the veteran's residence; or

67 (b) If the residence of the veteran is unknown, in the county in which the
68 veteran died; or

69 (c) If the county in which the veteran died is unknown, in the county in
70 which the funeral establishment giving notice is located.

71 4. The notice required by subsection 3 of this section must include a
72 statement to the effect that the remains of the veteran must be claimed by the
73 person entitled to the remains under section 194.350 within thirty days after the
74 date of mailing of the written notice provided for in subdivision (1) of subsection
75 3 of this section or within four months of the date of the first publication of the
76 notice provided for in subdivision (2) of subsection 3 of this section, as applicable,
77 and that if the remains are not claimed, the remains may be given to a veterans'
78 service organization for interment.

79 5. A veterans' service organization receiving cremated remains of a
80 veteran from a funeral establishment for the purposes of interment is not liable
81 for simple negligence in the custody or interment of the remains if the veterans'
82 service organization interments and does not scatter the remains and does not know
83 and has no reason to know that the remains do not satisfy the requirements of
84 subdivision (1) or (2) of subsection 3 of this section, as applicable.

85 **6.] home, coroner, crematorium, or other entity that releases the**
86 **information required on the cremated remains of a veteran, or**
87 **dependent, pursuant to this section shall not be subject to civil**
88 **liability.**

89 4. A veterans' service organization [accepting remains under this section
90 shall take all reasonable steps to inter the remains] **shall inter cremated**
91 **remains received pursuant to this section. Preference shall be given to**

92 **internment in a state or national veterans' cemetery.**

93 **5. A veterans' service organization that receives and inters**
94 **cremated remains pursuant to this section shall not be liable for any**
95 **negligence.**

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