

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 233 Session of 2019

INTRODUCED BY O'NEAL, OWLETT, READSHAW, PYLE, RYAN, BERNSTINE, ROTHMAN, KAUFFMAN, DUNBAR, MILLARD, WARNER, JOZWIAK, MARKOSEK, DAY, MURT, DeLUCA, STRUZZI AND T. DAVIS, JANUARY 28, 2019

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, JANUARY 28, 2019

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled  
 2 "An act relating to counties of the second class and second  
 3 class A; amending, revising, consolidating and changing the  
 4 laws relating thereto," in special powers and duties of the  
 5 county, further providing for flags to decorate graves.

6 The General Assembly of the Commonwealth of Pennsylvania  
 7 hereby enacts as follows:

8 Section 1. Section 2122 of the act of July 28, 1953  
 9 (P.L.723, No.230), known as the Second Class County Code, is  
 10 amended to read:

11 Section 2122. Flags to Decorate Graves.--[(a) It shall be  
 12 the duty of the county commissioners to provide flags on each  
 13 Memorial Day with which to decorate the graves of all deceased  
 14 service persons and the graves of all other deceased persons who  
 15 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,  
 16 Merchant Marine during World War II or any organization  
 17 officially connected therewith and whose separation from such  
 18 service was honorable, whether by discharge or otherwise, buried

1 within the county. The flags to be used for said purposes shall  
2 be of one standard size, and shall be purchased at the expense  
3 of the county from moneys in the county treasury.

4 (b) Such flags shall be furnished to the various veterans'  
5 organizations in such numbers as they shall require for their  
6 respective communities.

7 (c) The moneys expended by any county under the provisions  
8 of this section shall be in addition to moneys appropriated by  
9 the county for Memorial Day purposes.

10 (d) The authorities in charge of any cemetery are authorized  
11 to remove such flags when the same become unsightly or  
12 weatherworn at any time not less than ninety days after the  
13 flags have been placed on graves.]

14 (a) It shall be the duty of  
15 the county commissioners to provide flags on each Memorial Day  
16 with which to decorate each grave of a deceased service person  
17 and each grave of other deceased persons who served in the Army,  
18 Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine  
19 during World War II or any organization officially connected to  
20 those forces, whose separation from service was honorable,  
21 whether by discharge or otherwise, and who are interred within  
22 the county. The flags to be used shall be standard size,  
23 colorfast and American made and shall be purchased at the  
24 expense of the county from money in the county treasury.

25 (b) A family member of a person whose grave is decorated  
26 with a flag by the county for the purpose of Memorial Day may  
27 take and keep the flag after the first working day after  
28 Veterans' Day.

29 (c) The county may coordinate with local veterans'  
30 organizations to ensure that cemeteries are decorated in  
compliance with this section. Flags shall be furnished to the

1 various veterans' organizations in an amount needed for the  
2 respective communities. Notwithstanding subsection (a), a  
3 cemetery may remove flags as part of the cemetery's normal  
4 course of maintenance not before the first working day after  
5 Independence Day, but prior to Veterans' Day, provided that the  
6 cemetery makes the flags available to family members, veterans'  
7 organizations or other community organizations for the purpose  
8 of decorating graves in recognition of Veterans' Day.

9 (d) Money expended by the county under this section shall be  
10 in addition to money appropriated by the county for Memorial Day  
11 purposes.

12 (e) Annually, the authority in charge of each cemetery is  
13 authorized to remove a flag when the flag has become unsightly  
14 or weatherworn any time on or after the first working day after  
15 Veterans' Day. Prior to Veterans' Day, a cemetery may request  
16 replacement flags from the county which may be used by the  
17 cemetery to replace weatherworn flags, if replacement flags are  
18 available.

19 (f) A cemetery may remove flag holders for annual storage  
20 upon the authorized removal of flags under subsections (c) and  
21 (e).

22 (g) Except as provided under this section, a person, other  
23 than a family member removing the flag from a deceased  
24 relative's grave, who removes or causes the removal of flags  
25 prior to the first working day after Independence Day shall be  
26 guilty of a summary offense and, upon conviction, shall be  
27 sentenced to pay a fine of three hundred dollars (\$300). A  
28 person who fails to pay a fine assessed under this section shall  
29 be sentenced to prison for a term not to exceed ninety days.

30 (h) A cemetery or an owner, employee, agent or contractor of

1 a cemetery who removes or causes the removal of a flag, grave  
2 marker, headstone, flag holder or other memorial in good faith  
3 in the course of maintenance, repair or mitigation of damage  
4 shall not be subject to subsection (g) or section 2113(1).

5 Section 2. This act shall take effect in 60 days.