

Amendments for AB 1644 (Nielsen)

Strike present bill.

SECTION 1. Chapter 5, article 2 (commencing with Section 951) is added to Division 4 of the Military and Veterans Code, to read:

951. For purposes of this chapter, the following definitions shall apply:

(a) "Information" means the data required by the Department of Veterans Affairs to verify the status of a person as either a veteran or the dependent of a veteran for purposes of eligibility for burial in a national or state cemetery, including the person's name, service number, social security number, date of birth, date of death, place of birth, branch of the service, and military rank.

(b) "Veteran" shall have the same meaning as it is defined in Section 940 of the Military and Veterans Code.

(c) "Veteran Remains Organization" is defined for the purposes of this section to mean any entity recognized by the Veterans Administration and the National Personnel Records Center as an organization authorized to verify and inter unclaimed cremated remains of American veterans. The term includes a member or employee of a Veteran Remains Organization as defined.

952 – (a) A cemetery authority, cemetery corporation or association, or other entity in possession of the cremated remains shall, upon request of a veterans' remains organization, release to a veterans' remains organization information required to verify a person's status as a veteran or the dependent of a veteran. The entity may release the remains to the veterans' remains organization for the purpose of interment when all of the following conditions have been met:

(1) The veterans' remains organization has verified that the person is a veteran or the dependent of a veteran, eligible for burial in a national or state cemetery.

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

(3) An agent or family member who has the right to control the remains has made no attempt to claim the remains.

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

(b) The cemetery authority, cemetery corporation or association, or other entity that releases the information or remains pursuant to this section shall not be subject to civil liability, except for willful or wanton misconduct, if the conditions of this section are met.

953 - (a) A veterans' remains organization shall take all reasonable steps to inter remains received pursuant to in accordance with this chapter.

(b) A veterans' remains organization that receives and inters remains pursuant to this chapter shall not be liable for negligence if the veterans' remains organization does not know or have reason to know that the remains were not released in compliance with section 7251.

954 - County boards of supervisors are encouraged to appoint personnel from a veterans' remains organization, as defined in section 951(c), to fulfill the role created in code section 942.

Amend MVC section 942 to read

942. The board of supervisors of each county shall designate an honorably discharged soldier, sailor, or marine in the county who has served in or with the army or navy of the United States, or a member of a veterans' remains organization as defined in section 951, and who shall cause to be decently interred the body of any veteran or widow of a veteran who dies in the county without having sufficient means to defray the expenses of burial, other than moneys paid or due and payable by the United States, pursuant to the World War adjusted compensation act.