

2020 Regular Session

SENATE BILL NO. 37

BY SENATORS BOUDREAUX AND FRED MILLS

VETERANS. Provides relative to interment of military servicemen and women. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 8:659, relative to interment of military servicemen and women;
3 to provide for permission to move remains; to provide for limitation of liability for
4 moving the remains of military personnel; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 8:659 is hereby amended and reenacted to read as follows:

8 §659. Permission to move remains

9 A. The remains of a deceased person may be moved from a cemetery space
10 to another cemetery space in the same cemetery or to another cemetery with the
11 consent of the cemetery authority and the written consent of one of the following, in
12 the order named, unless other specific directions, in the form of a notarial testament
13 or a written and notarized declaration, have been given by the decedent:

14 (1) The surviving spouse, if there is no pending petition for divorce filed by
15 either spouse prior to the death of the decedent spouse.

16 (2) A majority of the surviving adult children of the decedent.

17 (3) A majority of the surviving adult grandchildren of the decedent.

1 (4) The surviving parents of the decedent.

2 (5) A majority of the surviving adult siblings of the decedent.

3 B.(1) Notwithstanding the provisions of Subsection A of this Section, if
4 the decedent died in a manner described by 10 U.S.C. 1481(a)(1) through (8)
5 while serving in any branch of the United States Armed Forces, the United
6 States Reserve Forces, or National Guard, and the decedent executed a United
7 States Department of Defense Record of Emergency Data, known as DD Form
8 93, or its successor form, the right to control interment for the decedent,
9 including permission to move the remains of the decedent, shall devolve upon
10 the Person Authorized to Direct Disposition, also referred to as the PADD, as
11 indicated on the DD Form 93 or its successor form.

12 (2) There shall be no liability for a cemetery authority, funeral
13 establishment, funeral director, crematory authority, or the employees or agents
14 of any of them to whom a copy of a DD Form 93 is presented, purportedly
15 executed by the decedent for conduction of the interment or other disposition
16 of the decedent's remains, including permission to move the remains of the
17 decedent, pursuant to the instructions of the PADD as indicated on the DD
18 Form 93, or for relying on the representation of the PADD that the decedent
19 died in a manner described in Paragraph (1) of this Subsection.

20 C. If the ~~required~~ consent **required in Subsection (A) or authorization**
21 **provided for in Subsection (B) of this Section** cannot be obtained, a final judgment
22 of the district court of the parish where the cemetery is situated shall be required.

23 Section 2. This Act shall be known and may be cited as "The United States Air Force
24 Airman First Class Eugene Joseph Sonnier, III Act".

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

	DIGEST	
SB 37 Original	2020 Regular Session	Boudreaux

Present law provides for permission of certain identified persons to give written consent to move the remains of a deceased person.

Proposed law retains present law and adds authority for a Person Authorized to Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93 or its successor form by a member of the United States Armed Forces, the United States Reserve Forces, or National Guard, pursuant to a United States Department of Defense Record of Emergency Data, known as DD Form 93, or its successor form, the right to control interment for the decedent, including permission to move the remains.

Proposed law provides immunity from liability for a cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents of any of them to whom a copy of a DD Form 93 has been presented for interment or other disposition of the decedent's remains, including moving the remains of the decedent pursuant to the form and relying on the representation of the manner of decedent's death.

Proposed law shall be known and may be cited as "The United States Air Force Airman First Class Eugene Joseph Sonnier, III Act".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 8:659)