

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 562, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 23-14-41-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) In a family burial
- 5 plot:
- 6 (1) one (1) grave, crypt, or niche may be used for the record
- 7 owner's interment, entombment, or inurnment;
- 8 (2) after the record owner's interment, entombment, or inurnment,
- 9 one (1) grave, crypt, or niche may be used for the surviving
- 10 spouse of the record owner; and
- 11 (3) in the spaces remaining, if any, the parents and children of the
- 12 deceased record owner, in order of need, may be interred,
- 13 entombed, or inurned without the consent of any person claiming
- 14 an interest in the family burial plot.
- 15 (b) If there is no parent or child who survives the deceased record
- 16 owner, the right of interment, entombment, or inurnment in a family
- 17 burial plot shall go
- 18 ~~(1) first, in order of need, to the spouse of any child of the~~
- 19 ~~deceased record owner; and~~
- 20 ~~(2) second, in order of need to:~~
- 21 ~~(A) (1) the heirs at law of the deceased record owner, or the~~

1 **spouse of the heir if the heir is already interred, entombed, or**
 2 **inurned**, as specified by the statutes of descent; or
 3 ~~(B)~~ **(2)** the spouse of any heir at law of the deceased record
 4 owner.

5 SECTION 2. IC 23-14-41-7 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2007]: **Sec. 7. If a family burial plot has been established under**
 8 **section 3 of this chapter and all the living children and parents of**
 9 **the deceased record owner consent in writing, the status as a family**
 10 **burial plot may be terminated and the remaining lots may be**
 11 **transferred, conveyed, or sold to the cemetery owner or any other**
 12 **person designated in the agreement.**

13 SECTION 3. IC 23-14-47-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The fee that a
 15 cemetery owner charges for services in connection with the installation
 16 or use of commodities in the cemetery shall be the same to all
 17 regardless of who furnishes the commodities. ~~However, a cemetery~~
 18 ~~owner may reserve for itself the exclusive right to furnish services in~~
 19 ~~connection with the installation or use of commodities in the~~
 20 ~~cemetery:".~~

21 Page 5, between lines 13 and 14, begin a new paragraph and insert:

22 "SECTION 6. IC 23-14-58.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2007]:

25 **Chapter 58.5. Disposition of Abandoned Burial Spaces**

26 **Sec. 1. (a) Subject to this chapter, if a burial space in a cemetery**
 27 **that is subject to IC 23-14-41 or any other Indiana law:**

28 **(1) has remained unused for a period of at least fifty (50)**
 29 **years from the date of sale or last recorded designation or**
 30 **transfer; and**

31 **(2) has no improvements on the burial space, including the**
 32 **placement of a monument, memorial, or other permanent**
 33 **appurtenance;**

34 **the person or entity having jurisdiction over the cemetery may**
 35 **terminate the rights and interests of the owner of the burial space.**

36 **(b) After July 1, 2007, a contract for the purchase of a burial**
 37 **space must include notice that the contract is subject to**
 38 **termination as provided in subsection (a).**

39 **Sec. 2. (a) If the person or entity having jurisdiction over the**
 40 **cemetery:**

41 **(1) desires to terminate the rights and interests of the owner**
 42 **of the burial space; and**

1 **(2) determines that the conditions specified in section 1 of this**
2 **chapter have been met;**
3 **the person or entity must send to the owner a notice of the intent**
4 **to terminate the owner's rights to the burial space.**

5 **(b) The notice required under subsection (a) must be sent by**
6 **certified mail with return receipt requested to the owner's last**
7 **known address.**

8 **Sec. 3. (a) An owner who has received a termination notice**
9 **under section 2 of this chapter may inform the person or entity**
10 **having jurisdiction over the cemetery of the owner's continued**
11 **intent to use the burial space. If the person or entity having**
12 **jurisdiction over the cemetery has been informed of the owner's**
13 **intent, the person or entity having jurisdiction over the cemetery**
14 **may not terminate the rights and interests of the owner of the**
15 **burial space.**

16 **(b) An owner who has received a termination notice under**
17 **section 2 of this chapter may request the person or entity having**
18 **jurisdiction over the cemetery to purchase the burial space for the**
19 **amount originally paid for the burial space.**

20 **Sec. 4. (a) If the person or entity having jurisdiction over the**
21 **cemetery has not received a response from the owner of the burial**
22 **space within sixty (60) days after sending the notice required in**
23 **section 2 of this chapter, the person or entity having jurisdiction**
24 **over the cemetery shall advertise in a newspaper of general**
25 **circulation in the county of the owner's last known address seeking**
26 **the owner's current address.**

27 **(b) If a new address for the owner of the burial space is obtained**
28 **after the advertising required in subsection (a), the notice**
29 **requirement under section 2 of this chapter must be repeated.**

30 **(c) If the person or entity having jurisdiction over the cemetery**
31 **has not received a response regarding the owner of the burial space**
32 **within sixty (60) days after placing the advertisement required in**
33 **subsection (a), the owner's rights and interests in the burial space**
34 **are terminated. After the rights and interests in a burial space are**
35 **terminated under this chapter, the person or entity having**
36 **jurisdiction over the cemetery may sell a burial space to a new**
37 **owner.**

38 **(d) If the owner of a burial space contacts the person or entity**
39 **having jurisdiction over the cemetery after the owner's rights and**
40 **interests in the burial space are terminated under this chapter, the**
41 **owner is entitled to select one (1) of the following remedies:**

42 **(1) The original burial space, if it has not been resold.**

1 **(2) Reimbursement of the amount originally paid for the**
 2 **burial space.**

3 **(3) A comparable burial space in the cemetery.**

4 **Sec. 5. A person who:**

5 **(1) knowingly terminates an owner's rights and interests in a**
 6 **burial space;**

7 **(2) knows or should have known the identity of the owner;**
 8 **and**

9 **(3) fails to give the owner notice as required under this**
 10 **chapter;**

11 **commits a Class B misdemeanor."**

12 Page 5, after line 29, begin a new paragraph and insert:

13 "SECTION 10. [EFFECTIVE JULY 1, 2007] **IC 23-14-58.5-5, as**
 14 **added by this act, applies only to acts committed after June 30,**
 15 **2007."**

16 ReNUMBER all SECTIONS consecutively.

(Reference is to SB 562 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 0.

Senator Steele, Chairperson