

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1015, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 6-1.1-6.8-15 IS REPEALED [EFFECTIVE JULY
3 1, 2012]. ~~Sec. 15: The owner of land that is classified under this chapter~~
4 ~~as cemetery land must allow family members and descendants of~~
5 ~~persons buried in the cemetery to have at least one (1) day each year to~~
6 ~~gain access to and visit the cemetery. The date of the visit to the~~
7 ~~cemetery must be agreed upon between the owner and the family~~
8 ~~members and descendants of persons buried in the cemetery.~~
9 SECTION 2. IC 14-8-2-87.6 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: **Sec. 87.6. "Family member", for**
12 **purposes of IC 14-21-5, has the meaning set forth in IC 14-21-5-1.**
13 SECTION 3. IC 14-8-2-135.2 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2012]: **Sec. 135.2. "Invitee", for purposes of**
16 **IC 14-21-5, has the meaning set forth in IC 14-21-5-2.**

1 SECTION 4. IC 14-21-5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]:

4 **Chapter 5. Access to Cemetery Land**

5 **Sec. 1. As used in this chapter, "family member" means a**
 6 **relative or descendant of a person buried in a cemetery.**

7 **Sec. 2. As used in this chapter, "invitee" means an individual**
 8 **who has been given permission by a landowner to visit a cemetery**
 9 **located on the landowner's property.**

10 **Sec. 3. The owner of land that is classified under IC 6-1.1-6.8 as**
 11 **cemetery land must allow family members of persons buried in the**
 12 **cemetery at least three (3) days each year during which the family**
 13 **members may gain access to and visit the cemetery. The date or**
 14 **dates on which family members will visit the cemetery must be**
 15 **agreed upon between the landowner and the family members.**

16 **Sec. 4. The following apply when a landowner grants access to**
 17 **a cemetery that is classified under IC 6-1.1-6.8:**

18 **(1) Except for an injury that is a direct result of a landowner's**
 19 **gross negligence or willful and wanton misconduct, the**
 20 **landowner is immune from civil liability for any injury**
 21 **occurring to the health, life, or property of an invitee or a**
 22 **family member during the time the invitee or family member**
 23 **is present on the landowner's property.**

24 **(2) Except for an injury that is a direct result of a guide's**
 25 **gross negligence or willful and wanton misconduct, a person**
 26 **guiding an invitee or a family member to the cemetery is**
 27 **immune from civil liability for any injury occurring to the**
 28 **health, life, or property of the invitee or family member**
 29 **during the time the guide and the invitee or family member**
 30 **are present on the landowner's property."**

31 Page 2, delete lines 1 through 12.

32 Page 2, line 13, delete "IC 34-30-2-158" and insert
 33 "IC 34-30-2-55.8".

34 Page 2, line 15, delete "158. IC 6-1.1-6.8-16" and insert "**55.8.**

- 1 **IC 14-21-5-4**".
- 2 Page 2, line 17, delete "IC 6-1.1-6.8-15)." and insert "**IC 14-21-5**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1015 as introduced.)

and when so amended that said bill do pass.

Representative Foley