

[First Reprint]

ASSEMBLY, No. 1131

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman MICHELE MATSIKOURIS

District 21 (Middlesex, Morris, Somerset and Union)

Co-Sponsored by:

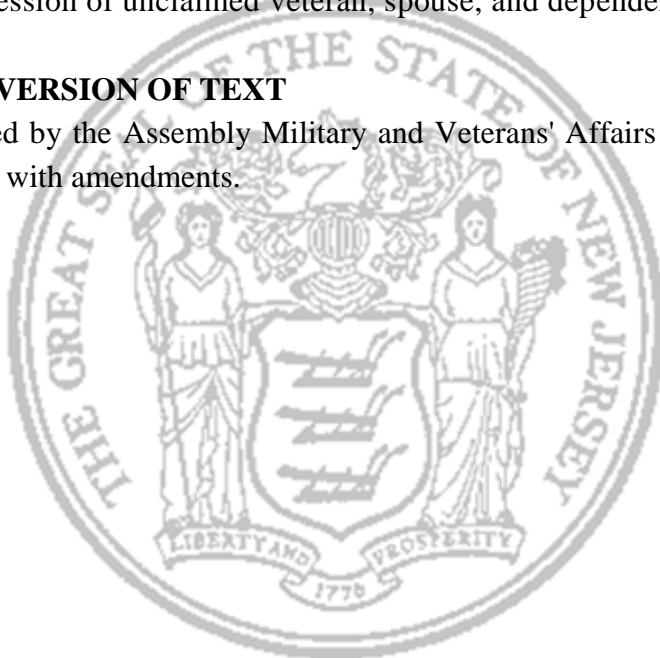
**Assemblywoman Dunn, Assemblymen Sauickie, Danielsen,
Assemblywomen Flynn, Fantasia, Assemblyman Freiman and
Assemblywoman Lampitt**

SYNOPSIS

Requires DMVA provide central registry of unclaimed cremains of veterans, spouses, and dependents; requires funeral director report to DMVA possession of unclaimed veteran, spouse, and dependent cremains.

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on June 6, 2024, with amendments.



(Sponsorship Updated As Of: 10/17/2024)

1 AN ACT concerning unclaimed cremains of veterans ¹, eligible
2 spouses of veterans, and eligible dependents of veterans¹ and
3 amending P.L.1983, c.385, P.L.2009, c.14, and N.J.S.38A:3-6.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 ¹**[**1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to
9 read as follows:

10 2. a. Except as provided by subsection b. of this section, a
11 person may dispose of the cremains of a dead human body which
12 have not been claimed by a relative or friend of the deceased within
13 one year from the date of cremation upon certification, to the
14 commissioner's satisfaction, that a diligent effort has been made to
15 identify, locate and notify a relative or friend of the deceased within
16 that one-year period. A diligent effort shall include a certified
17 letter, return receipt requested, mailed to the person who authorized
18 the cremation.

19 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
20 32 et seq.), who, after due diligence to find a relative or friend of
21 the deceased, is knowingly in possession of the unclaimed cremains
22 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
23 6.3), shall notify the New Jersey Department of Military and
24 Veterans Affairs, by written or electronic communication, of the
25 location and identity of such cremains one year after the date of
26 cremation.

27 As used in this section, "cremains" means that substance which
28 remains after the cremation of a dead human body.

29 b. A funeral director¹, licensed pursuant to P.L.1952, c.340
30 (C.45:7-32 et seq.),¹ shall grant a qualified veterans' organization
31 the right to receive the cremains of a veteran which have not been
32 claimed by a relative or friend of the deceased within one year after
33 cremation upon certification, to the commissioner's satisfaction, that
34 a diligent effort, as defined in subsection a. of this section, has been
35 made to identify, locate and notify a relative or friend of the
36 deceased within that one-year period.

37 A qualified veterans' organization which takes possession of
38 cremains pursuant to this section shall dispose of the cremains by
39 scattering them at sea or by interring them on land in a dignified
40 manner at the State-operated, Brigadier General William C. Doyle
41 Memorial Cemetery, if the individual is eligible for interment at
42 that facility.

43 As used in this section, "qualified veterans' organization" means
44 a veterans' organization that qualifies as a section 501(c)(3) or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted June 6, 2024.

1 501(c)(19) tax exempt organization under the Internal Revenue
2 Code, or a federally chartered Veterans' Service Organization.

3 c. A funeral home or mortuary, or an agent of the funeral home
4 or mortuary, or a funeral director, or qualified veterans'
5 organization, shall not be liable for damages in any civil action
6 arising out of the disposal of cremains pursuant to this section
7 unless the damages are the result of gross negligence or willful
8 misconduct.

9 (cf: P.L.2009, c.14, s.1)]¹.

10

11 ¹[2. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to
12 read as follows:

13 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
14 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
15 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
16 18.2), the right to receive the cremains of a veteran which have not
17 been claimed by a relative or friend of the deceased within one year
18 after cremation upon certification, to the satisfaction of the
19 Commissioner of Health and Senior Services, that a diligent effort,
20 as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-
21 18.2), has been made to identify, locate and notify a relative or
22 friend of the deceased within that one-year period, as provided
23 under section 2 of P.L.1983, c.385 (C.26:7-18.2).

24 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
25 32 et seq.), who, after due diligence to find a relative or friend of
26 the deceased, is knowingly in possession of the unclaimed cremains
27 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
28 6.3), shall notify the New Jersey Department of Military and
29 Veterans Affairs, by written or electronic communication, of the
30 location and identity of such cremains one year after the date of
31 cremation.

32 A qualified veterans' organization which takes possession of
33 cremains pursuant to this section shall dispose of the cremains by
34 scattering them at sea or by interring them on land in a dignified
35 manner at the State-operated, Brigadier General William C. Doyle
36 Memorial Cemetery, if the individual is eligible for interment at
37 that facility.

38 b. A funeral home or mortuary, or an agent of the funeral home
39 or mortuary, or a funeral director, or qualified veterans'
40 organization, shall not be liable for damages in any civil action
41 arising out of the disposal of cremains pursuant to this section
42 unless the damages are the result of gross negligence or willful
43 misconduct.

44 (cf: P.L.2009, c.14, s.2)]¹

45

46 ¹1. Section 2 of P.L.1983, c.385 (C.26:7-18.2) is amended to
47 read as follows:

1 2. a. Except as provided by subsection b. of this section, a person
2 may dispose of the cremains of a dead human body which have not
3 been claimed by a relative or friend of the deceased within one year
4 from the date of cremation upon certification, to the commissioner's
5 satisfaction, that a diligent effort has been made to identify, locate
6 and notify a relative or friend of the deceased within that one-year
7 period. A diligent effort shall include a certified letter, return
8 receipt requested, mailed to the person who authorized the
9 cremation.

10 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
11 32 et seq.), who, after due diligence to find a relative or friend of
12 the deceased, is knowingly in possession of the unclaimed cremains
13 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
14 6.3), or the cremains of an eligible spouse or eligible dependent of a
15 veteran, shall notify the New Jersey Department of Military and
16 Veterans Affairs, by written or electronic communication, of the
17 location and identity of such cremains one year after the date of
18 cremation.

19 As used in this section, "cremains" means that substance which
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c.340
22 (C.45:7-32 et seq.), shall grant a qualified veterans' organization the
23 right to receive the cremains of a veteran, or the cremains of an
24 eligible spouse or eligible dependent of a veteran, which have not
25 been claimed by a relative or friend of the deceased within one year
26 after cremation upon certification, to the commissioner's
27 satisfaction, that a diligent effort, as defined in subsection a. of this
28 section, has been made to identify, locate and notify a relative or
29 friend of the deceased within that one-year period.

30 A qualified veterans' organization which takes possession of
31 cremains pursuant to this section shall dispose of the cremains by
32 scattering them at sea or by interring them on land in a dignified
33 manner at the State-operated, Brigadier General William C. Doyle
34 Veterans' Memorial Cemetery, a State-operated veterans' memorial
35 cemetery, a national veterans' memorial cemetery, or a local
36 veterans' memorial cemetery, if the individual is eligible for
37 interment at those facilities.

38 As used in this section, "qualified veterans' organization" means
39 a veterans' organization that qualifies as a section 501(c)(3) or
40 501(c)(19) tax exempt organization under the Internal Revenue
41 Code, or a federally chartered Veterans' Service Organization.

42 c. A funeral home or mortuary, or an agent of the funeral home
43 or mortuary, or a funeral director, or qualified veterans'
44 organization, shall not be liable for damages in any civil action
45 arising out of the disposal of cremains pursuant to this section
46 unless the damages are the result of gross negligence or willful
47 misconduct.¹

48 (cf: P.L.2021, c.37, s.1)

1 ¹2. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to
2 read as follows:

3 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
4 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
5 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
6 18.2), the right to receive the cremains of a veteran, or the cremains
7 of an eligible spouse or eligible dependent of a veteran, which have
8 not been claimed by a relative or friend of the deceased within one
9 year after cremation upon certification, to the satisfaction of the
10 Commissioner of Health, that a diligent effort, as defined in
11 subsection a. of section 2 of P.L.1983, c.385 (C.26:7-18.2), has
12 been made to identify, locate and notify a relative or friend of the
13 deceased within that one-year period, as provided under section 2 of
14 P.L.1983, c.385 (C.26:7-18.2).

15 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
16 32 et seq.), who, after due diligence to find a relative or friend of
17 the deceased, is knowingly in possession of the unclaimed cremains
18 of a veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-
19 6.3), or the cremains of an eligible spouse or eligible dependent of a
20 veteran, shall notify the New Jersey Department of Military and
21 Veterans Affairs, by written or electronic communication, of the
22 location and identity of such cremains one year after the date of
23 cremation.

24 A qualified veterans' organization which takes possession of
25 cremains pursuant to this section shall dispose of the cremains by
26 scattering them at sea or by interring them on land in a dignified
27 manner at the State-operated, Brigadier General William C. Doyle
28 Veterans' Memorial Cemetery, a State-operated veterans' memorial
29 cemetery, a national veterans' memorial cemetery, or a local
30 veterans memorial cemetery, if the individual is eligible for
31 interment at those facilities.

32 b. A funeral home or mortuary, or an agent of the funeral home
33 or mortuary, or a funeral director, or qualified veterans'
34 organization, shall not be liable for damages in any civil action
35 arising out of the disposal of cremains pursuant to this section
36 unless the damages are the result of gross negligence or willful
37 misconduct.¹

38 (cf: P.L.2021, c.37, s.4)

39

40 3. N.J.S.38A:3-6 is amended to read as follows:

41 38A:3-6. Under the direction of the Governor, the Adjutant
42 General shall:

43 (a) Exercise control over the affairs of the Department of
44 Military and Veterans' Affairs and in connection therewith make
45 and issue such regulations governing the work of the Department of
46 Military and Veterans' Affairs and the conduct of its employees as
47 may, in his judgment, be necessary or desirable.

- 1 (b) Be the request officer of the Department of Military and
2 Veterans' Affairs within the meaning of such term as defined in
3 section 1 of P.L.1944, c.112 (C.52:27B-1).
- 4 (c) (Deleted by amendment, P.L.1988, c.138.)
- 5 (d) Command the organized militia of the State, with
6 responsibility for recruiting, mobilization, administration, training,
7 discipline, equipping, supply and general efficiency thereof. He
8 may issue such regulations and delegate such command functions as
9 he shall deem necessary. The regulations so issued shall, insofar as
10 possible, conform to the federal laws and regulations concerning the
11 same.
- 12 (e) Maintain the archives and be the custodian of the records and
13 papers required, by laws or regulations, to be filed with the
14 Department of Military and Veterans' Affairs.
- 15 (f) Supervise, administer and coordinate those activities of the
16 selective service system for which the Governor is responsible.
- 17 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
18 or in any other lawful manner, in the name of and for the use of the
19 State of New Jersey, all those parcels of land as shall be necessary
20 for armories and other militia facilities, and supervise the design,
21 construction, alteration, maintenance and repair of said property.
- 22 (h) Establish and maintain such headquarters as may be required
23 for the militia.
- 24 (i) Exercise the powers vested in him and perform such other
25 duties and functions as required of him by the Governor and by
26 federal and State laws and regulations.
- 27 (j) Exercise all of the functions, powers and duties heretofore
28 vested in the Director of the Division on Veterans' Programs and
29 Special Services.
- 30 (k) Appoint and remove officers and other personnel employed
31 within the department, subject to the provisions of N.J.S.38A:3-8
32 and Title 11A of the New Jersey Statutes and other applicable
33 statutes, except as herein otherwise specifically provided.
- 34 (l) Have authority to organize and maintain an administrative
35 division and to assign to employment therein secretarial, clerical
36 and other assistants in the department or the Adjutant General's
37 Office for the purpose of providing centralized support to all
38 segments of the department, including budgeting, personnel
39 administration and oversight of equal opportunity programs.
- 40 (m) Perform, exercise and discharge the functions, powers and
41 duties of the department through such divisions as may be
42 established by this act or otherwise by law.
- 43 (n) Organize the work of the department in divisions not
44 inconsistent with the provisions of this act and in bureaus and other
45 organizational units as the Adjutant General may determine to be
46 necessary for efficient and effective operation.
- 47 (o) Adopt, issue and promulgate, in the name of the department,
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

- 1 (C.52:14B-1 et seq.), such rules and regulations as may be
2 authorized by law.
- 3 (p) Institute, or cause to be instituted, legal proceedings or
4 processes as necessary to properly enforce and give effect to any of
5 the Adjutant General's powers or duties.
- 6 (q) Make an annual report to the Governor and to the Legislature
7 of the department's operations, and render other reports as the
8 Governor shall from time to time request or as may be required by
9 law.
- 10 (r) Coordinate the activities of the department, and the several
11 divisions and other agencies therein, in a manner designed to
12 eliminate overlapping and duplicative functions.
- 13 (s) Integrate within the department, so far as practicable, all staff
14 services of the department and of several divisions and other
15 agencies therein.
- 16 (t) Request access to all relevant files and records of other State
17 agencies, which may be made available to the Adjutant General by
18 the head of a State agency, and request, subject to the permission of
19 the head of the State agency, any officer or employee therein to
20 provide information as necessary to assist in the performance of the
21 functions of the department.
- 22 (u) Supervise and operate the New Jersey Veterans' Memorial
23 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
24 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
25 the New Jersey Veterans' Memorial Cemetery-Arneystown.
- 26 (v) Supervise and operate the liaison office and the field offices
27 which serve the federal Veterans' Affairs Medical Centers.
- 28 (w) Make application for federal grants and programs, other
29 than education grants or funds.
- 30 (x) Administer the federally-funded training and rehabilitation
31 programs, except for the administration of federally-funded
32 education and training programs set forth in 38 U.S.C. s.36 et seq.
- 33 (y) Provide current information to the general public on State
34 and federal veterans' programs and benefits; create a comprehensive
35 public webpage for women veterans that includes, but is not limited
36 to, the following information: veterans' legal rights, benefits,
37 medical and insurance issues, education, the transition from active
38 service to civilian life, and other resources available to veterans.
- 39 (z) Develop and administer the New Jersey Homeless Veterans
40 Grant Program established pursuant to section 3 of P.L.2013, c.239
41 (C.38A:3-6.2b).
- 42 (aa) Encourage and facilitate the registration of each service
43 member residing in New Jersey with the United States Department
44 of Veterans Affairs, or its successor agency. Registration shall take
45 place, as appropriate, when the service member returns from
46 deployment on federal active duty or is discharged or as soon as
47 possible thereafter. The term "service member" shall mean
48 members of the New Jersey National Guard and members of the

1 United States Armed Forces, or a Reserve component thereof, when
2 the information on each member is made available to the
3 department.

4 (bb) Develop and coordinate a volunteer-based program
5 comprised of former servicemembers to assist and mentor veterans
6 who become involved with the criminal justice system, while
7 criminal proceedings are pending and afterward, in accessing
8 assistance to resolve the underlying problems that led or contributed
9 to the veteran's involvement with the criminal justice system
10 including, but not limited to, offering support and guidance,
11 securing housing, employment linkages, job training, education,
12 transportation, disability compensation claims, discharge status,
13 health care and other linkages available at the local, State and
14 federal level that can ease the challenge of reentry into civilian life.
15 In addition, the Adjutant General shall develop a registry of
16 volunteer mentors and make the registry available pursuant to
17 P.L.2017, c.42 (C.2C:43-23 et al.).

18 (cc) Prepare and disseminate a directory of Veterans Diversion
19 Resource Program entities currently available within New Jersey
20 pursuant to P.L.2017, c.42 (C.2C:43-23 et al.).

21 (dd) Create a comprehensive public webpage for Gold Star
22 family members that includes, but is not limited to, the following
23 information: State benefits; State and county liaisons; a list of
24 service members from New Jersey killed in action; links to other
25 Gold Star family organizations; and such other information and
26 resources as the Adjutant General deems necessary and beneficial to
27 a Gold Star family member. A "Gold Star family member" means
28 the spouse, domestic partner, partner in a civil union, parent,
29 brother, sister, child, legal guardian, or other legal custodian,
30 whether of the whole or half blood, or by adoption.

31 (ee) Identify each New Jersey resident who enrolls in the United
32 States Military Academy, United States Naval Academy, United
33 States Coast Guard Academy, United States Merchant Marine
34 Academy, or United States Air Force Academy, and issue a New
35 Jersey State flag to that individual.

36 (ff) Develop and maintain an Internet-based central reporting
37 system to provide the location and identity of unclaimed cremains
38 of veterans, ¹eligible spouses of veterans, or eligible dependents of
39 veterans¹ as provided to the department by funeral directors ¹[.]¹
40 licensed pursuant to P.L.1952, c.340 (C.45:7-32 et seq.).
41 (cf: P.L.2019, c.283, s.1)

42

43 4. This act shall take effect immediately.