[First Reprint]

ASSEMBLY, No. 3260

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
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SYNOPSIS

Authorizes cremation of unclaimed dead bodies and interment of cremains by counties.

CURRENT VERSION OF TEXT

As reported by the Assembly Oversight, Reform and Federal Relations Committee on September 10, 2026, with amendments.

AN ACT concerning the disposal of unclaimed [1]dead[1] bodies and amending [1]**[**N.J.S.40A:9-49 and N.J.S.40A:9-54**]** and supplementing Title 40A of the Revised Statutes[1].

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

1. N.J.S.40A:9-49 is amended to read as follows:

40A:9-49. Pursuant to section 22 of P.L.2003, c.261 (C.45:27-22), the county or intercounty medical examiner or assistant county or intercounty medical examiner, upon taking charge of unidentified or unclaimed dead bodies, shall make burial arrangements. Notwithstanding any other law, rule, or regulation to the contrary, cremation arrangements shall also be made available as an option for unclaimed [1]dead[1] bodies. If the decedent left an ascertainable estate able to pay for the burial or cremation, the cost thereof certified by the official in charge shall be payable out of such estate. If the decedent left no ascertainable estate able to pay for the burial or cremation, the cost of burial or cremation shall be borne:

a. if the decedent was an adult or emancipated child with surviving spouse, by the surviving spouse,

b. if the decedent was an unemancipated child with a surviving parent, by the surviving parent, or

c. if there is no surviving spouse or parent, as applicable, by the county.

(cf: P.L.2018, c.62, s.40)

[1]**[**2. N.J.S.40A:9-54 is amended to read as follows:

40A:9-54. **[**Unidentified or unclaimed dead bodies shall be viewed by the county or intercounty medical examiner or by the assistant county or intercounty medical examiner, or a regularly licensed and practicing physician deputized for that purpose by the county or intercounty medical examiner. Thereafter,**]** a. Unclaimed dead bodies shall be stored by a hospital or the medical examiner until the time when the body is claimed. If it remains unclaimed after 30 days, the body **[**shall**]** may be buried by the morgue keeper at the expense of the county, or cremated at the expense of the county.

b. Cremains shall be retained by a medical examiner's office for at least one year from the date of the cremation. After one year, the cremains may be interred.

c. If an individual makes a valid claim to a body or cremains already buried, the individual shall incur the cost of disinterment. If

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:
[1]Assembly AOF committee amendments adopted September 10, 2026.

the medical examiner is to conduct an investigation on a body, any disinterment shall be paid for by the medical examiner.
(cf: P.L.2018, c.62, s.43)**]**[1]

[1]2. N.J.S.40A:9-54 is amended to read as follows:

40A:9-54. **[**Unidentified or unclaimed dead bodies shall be viewed by the county or intercounty medical examiner or by the assistant county or intercounty medical examiner, or a regularly licensed and practicing physician deputized for that purpose by the county or intercounty medical examiner. Thereafter, the**]** a. A dead body shall be deemed unclaimed if, after 30 days from the time the dead body is identified or pronounced deceased, whichever is later:

(1) no next of kin is identified or located;

(2) next of kin fails to respond to notice after being identified and located;

(3) all next of kin, other than those addressed in N.J.S.40A:9-49, decline to claim possession of the dead body; or

(4) any other person who is authorized pursuant to section 22 of P.L.2003, c.261 (C.45:27-22) to claim the dead body declines to do so.

b. (1) An unclaimed dead body shall be buried by the morgue keeper at the expense of the county, or cremated at the expense of the county.

(2) Cremains of the unclaimed dead body shall be retained by a medical examiner's office for at least one year from the date of the cremation. After one year, the cremains may be interred.

c. (1) If an individual makes a valid claim to an unclaimed dead body or cremains already interred, the individual shall incur the cost of the disinterment.

(2) If an investigation needs to be conducted by the medical examiner on an unclaimed dead body or cremains already interred, any disinterment shall be paid for by the medical examiner.[1]
(cf: P.L.2018, c.62, s.43)

[1]3. (New section) As used in chapter 9 of Title 40A of the New Jersey Statutes:

"Unclaimed dead body" means all or part of a dead human being that is not identified, located, or claimed.[1]

[1]**[**3.**]** 4.[1] This act shall take effect immediately.