

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-0157.01 Conrad Imel x2313

HOUSE BILL 20-1051

HOUSE SPONSORSHIP

Rich and Duran, Baisley, Bird, Bockenfeld, Buentello, Caraveo, Carver, Coleman, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Herod, Hooton, Humphrey, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Landgraf, Liston, Lontine, McKean, McLachlan, Melton, Mullica, Pelton, Ransom, Roberts, Sandridge, Sirota, Snyder, Soper, Sullivan, Titone, Valdez A., Valdez D., Van Winkle, Weissman, Will, Williams D., Wilson, Young

SENATE SPONSORSHIP

Scott and Crowder,

House Committees

State, Veterans, & Military Affairs

Senate Committees

State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING FINAL DISPOSITION OF THE ABANDONED CREMATED**
102 **REMAINS OF PERSONS ELIGIBLE FOR INTERMENT IN A NATIONAL**
103 **CEMETERY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill permits an organization recognized and authorized by the United States veterans administration and the national personnel records center to determine whether any unclaimed cremated remains are of United States military veterans or qualified family members who are eligible for interment in a national cemetery or state veterans' cemetery.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
February 24, 2020

HOUSE
3rd Reading Unamended
January 23, 2020

HOUSE
2nd Reading Unamended
January 22, 2020

If such unclaimed cremated remains are identified, the facility in possession of the remains is required to transfer the remains to a national cemetery or state veterans' cemetery.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 15-19-106.5 as
3 follows:

4 **15-19-106.5. Disposition of abandoned cremated remains of**
5 **veterans - liability - applicability - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "CREMAINS FACILITY" MEANS A FACILITY THAT MAY HAVE
8 UNCLAIMED CREMAINS OF A VETERAN OR QUALIFIED FAMILY MEMBER OR
9 ANY INFORMATION RELATED TO UNCLAIMED CREMAINS, INCLUDING BUT
10 NOT LIMITED TO A MORTUARY, FUNERAL HOME, CEMETERY, OR CORONER.

11 (b) "CREMATED REMAINS" OR "CREMAINS" HAS THE SAME
12 MEANING SET FORTH IN SECTION 12-135-102 (3).

13 (c) "INTERMENT BENEFITS" MEANS ANY BENEFIT THAT INCLUDES
14 ELIGIBILITY TO BE INTERRED IN A NATIONAL CEMETERY UNDER THE
15 CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION OR IN ANY STATE
16 VETERANS' CEMETERY.

17 (d) "QUALIFIED FAMILY MEMBER" MEANS A SPOUSE OR DEPENDENT
18 OF A VETERAN WHO IS ELIGIBLE FOR INTERMENT BENEFITS.

19 (e) "STATE VETERANS' CEMETERY" MEANS THE HOMELAKE
20 MILITARY VETERANS CEMETERY ESTABLISHED PURSUANT TO SECTION
21 26-12-205 AND THE WESTERN SLOPE MILITARY VETERANS' CEMETERY
22 ESTABLISHED PURSUANT TO SECTION 28-5-708.

23 (f) "STATUS INFORMATION" MEANS A PERSON'S FIRST NAME, LAST
24 NAME, DATE OF BIRTH, DATE OF DEATH, AND SOCIAL SECURITY NUMBER.

1 (g) "VETERAN" HAS THE SAME MEANING SET FORTH IN SECTION
2 28-5-100.3.

3 (h) "VETERANS' REMAINS RECOVERY ORGANIZATION" MEANS AN
4 ENTITY RECOGNIZED AND AUTHORIZED BY THE UNITED STATES VETERANS
5 ADMINISTRATION AND THE NATIONAL PERSONNEL RECORDS CENTER TO
6 VERIFY AND INTER THE UNCLAIMED REMAINS, INCLUDING CREMATED
7 REMAINS, OF UNITED STATES MILITARY VETERANS AND QUALIFIED FAMILY
8 MEMBERS.

9 (2) NOTWITHSTANDING SECTION 15-19-106 (4)(b)(II), A
10 VETERANS' REMAINS RECOVERY ORGANIZATION HAS THE RIGHT TO
11 RESEARCH, RECOVER, AND INTER ANY UNCLAIMED CREMAINS OF A
12 VETERAN OR QUALIFIED FAMILY MEMBER.

13 (3) (a) A VETERANS' REMAINS RECOVERY ORGANIZATION MAY
14 CONTACT ANY CREMAINS FACILITY THAT MAY HAVE UNCLAIMED
15 VETERANS' OR QUALIFIED FAMILY MEMBERS' CREMAINS. THE VETERANS'
16 REMAINS RECOVERY ORGANIZATION SHALL PROVIDE PROPER IDENTIFYING
17 DOCUMENTATION TO THE CREMAINS FACILITY.

18 (b) AFTER RECEIVING DOCUMENTATION IDENTIFYING THE
19 ORGANIZATION AS A VETERANS' REMAINS RECOVERY ORGANIZATION, A
20 CREMAINS FACILITY SHALL PROVIDE ALL STATUS INFORMATION IN THE
21 FACILITY'S POSSESSION TO THE ORGANIZATION.

22 (c) THE VETERANS' REMAINS RECOVERY ORGANIZATION SHALL
23 INVENTORY ANY UNCLAIMED CREMAINS AND ANY INFORMATION RELATED
24 TO THE UNCLAIMED CREMAINS IN ORDER TO IDENTIFY ANY CREMAINS OF
25 A VETERAN OR QUALIFIED FAMILY MEMBER. THE ORGANIZATION SHALL
26 CONTACT THE NATIONAL PERSONNEL RECORDS CENTER TO VERIFY
27 WHETHER ANY OF THE UNCLAIMED CREMAINS ARE OF A VETERAN WHO IS

1 ELIGIBLE FOR INTERMENT BENEFITS OR QUALIFIED FAMILY MEMBER.

2 (4) IF A VETERANS' REMAINS RECOVERY ORGANIZATION
3 DETERMINES THAT UNCLAIMED CREMAINS ARE OF A VETERAN WHO IS
4 ELIGIBLE FOR INTERMENT BENEFITS OR OTHER QUALIFIED FAMILY MEMBER,
5 THE ORGANIZATION SHALL ISSUE THE FOLLOWING NOTICES, AS
6 APPLICABLE:

7 (a) IF THE VETERANS' REMAINS RECOVERY ORGANIZATION KNOWS
8 OF A PERSON DESCRIBED IN SECTION 15-19-106 (1)(a) TO (1)(f) WHO HAS
9 THE RIGHT TO TAKE POSSESSION OF THE CREMAINS, THE ORGANIZATION
10 SHALL SEND NOTICE BY MAIL TO THAT PERSON OF THAT PERSON'S
11 ELIGIBILITY TO TAKE POSSESSION OF THE CREMAINS; OR

12 (b) IF THE VETERANS' REMAINS RECOVERY ORGANIZATION DOES
13 NOT KNOW OF A PERSON DESCRIBED IN SECTION 15-19-106 (1)(a) TO (1)(f)
14 WHO HAS THE RIGHT TO TAKE POSSESSION OF THE CREMAINS, THE
15 ORGANIZATION SHALL PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL
16 CIRCULATION, PUBLISHED IN THE COUNTY IN WHICH THE DEATH OCCURRED
17 OR THE CREMAINS ARE LOCATED, STATING THAT THE CREMAINS ARE
18 UNCLAIMED AND GIVING THE NAME OF THE DECEASED IF IT IS KNOWN.

19 (5) AT LEAST THIRTY DAYS, BUT NO LATER THAN FORTY-FIVE
20 DAYS, AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO SUBSECTION (4) OF
21 THIS SECTION, THE CREMAINS FACILITY SHALL TRANSFER ANY UNCLAIMED
22 CREMAINS ELIGIBLE FOR INTERMENT BENEFITS TO A NATIONAL CEMETERY
23 OR STATE VETERANS' CEMETERY OR TO A VETERANS' REMAINS RECOVERY
24 ORGANIZATION FOR INTERMENT IN A NATIONAL CEMETERY OR STATE
25 VETERANS' CEMETERY.

26 (6) A CREMAINS FACILITY OR VETERANS' REMAINS RECOVERY
27 ORGANIZATION IS NOT SUBJECT TO CIVIL LIABILITY FOR RELEASE OF ANY

1 INFORMATION OR RELEASE OF UNCLAIMED CREMAINS PURSUANT TO THIS
2 SECTION, UNLESS THE FACILITY OR ORGANIZATION ACTS IN BAD FAITH OR
3 WITH MALICIOUS INTENT.

4 (7) THIS SECTION APPLIES ONLY TO CREMAINS AND DOES NOT
5 APPLY TO ANY OTHER LAST REMAINS, INCLUDING DEAD HUMAN BODIES.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.