

CHAPTER 76

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 04-1050

BY REPRESENTATIVE(S) Butcher, Boyd, Cerbo, Coleman, Decker, Frangas, Lee, McFadyen, Ragsdale, Romanoff, and Tochtrop; also SENATOR(S) Tapia, and Lambom.

AN ACT

CONCERNING A PROHIBITION AGAINST CHANGING AN INSCRIPTION ON A BURIAL MEMORIAL WITHOUT REQUIRED PERMISSION.

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

SECTION 1. 12-12-101 (1), Colorado Revised Statutes, is amended, and said 12-12-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-12-101. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Cemetery" means any place, including a mausoleum, in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies. "Cemetery" does not include a cemetery which is owned, operated, or maintained by a government or governmental agency, by a church or synagogue, by a labor organization, by a cooperative association as defined in section 7-55-101, C.R.S., by a corporation organized and operated exclusively for religious purposes, or by a fraternal society, order, or association operating under the lodge system and exempt from the payment of state income tax and which has as its main business something other than the ownership, operation, or maintenance of any business connected with the burial of the dead. "BURIAL MEMORIAL" MEANS ANY TYPE OF GRAVESTONE, TOMBSTONE, HEADSTONE, MEMORIAL, MONUMENT, OR MARKER THAT COMMEMORATES THE PERMANENT DISPOSITION OF THE REMAINS OF A HUMAN BODY EITHER BELOW OR ABOVE THE SURFACE OF THE GROUND.~~

(1.5) "CEMETERY" MEANS ANY PLACE, INCLUDING A MAUSOLEUM, IN WHICH THERE IS PROVIDED SPACE EITHER BELOW OR ABOVE THE SURFACE OF THE GROUND FOR THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

INTERMENT OF THE REMAINS OF HUMAN BODIES. "CEMETERY" DOES NOT INCLUDE A CEMETERY THAT IS OWNED, OPERATED, OR MAINTAINED BY A GOVERNMENT OR GOVERNMENTAL AGENCY, BY A CHURCH OR SYNAGOGUE, BY A LABOR ORGANIZATION, BY A COOPERATIVE ASSOCIATION AS DEFINED IN SECTION 7-55-101, C.R.S., BY A CORPORATION ORGANIZED AND OPERATED EXCLUSIVELY FOR RELIGIOUS PURPOSES, OR BY A FRATERNAL SOCIETY, ORDER, OR ASSOCIATION OPERATING UNDER THE LODGE SYSTEM AND EXEMPT FROM THE PAYMENT OF STATE INCOME TAX AND THAT HAS AS ITS MAIN BUSINESS SOMETHING OTHER THAN THE OWNERSHIP, OPERATION, OR MAINTENANCE OF ANY BUSINESS CONNECTED WITH THE BURIAL OF THE DEAD.

(4.5) "INSCRIPTION" MEANS ANY WORDS OR SYMBOLS ON A BURIAL MEMORIAL.

SECTION 2. Article 12 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-12-113.5. Burial memorial - changes - notice of ownership. (1) NO PERSON OTHER THAN THE OWNER OF A BURIAL MEMORIAL OR A PERSON AUTHORIZED BY THE OWNER OF THE BURIAL MEMORIAL SHALL MAKE A CHANGE TO THE INSCRIPTION ON SUCH BURIAL MEMORIAL.

(2) IF A BURIAL MEMORIAL IS TO BE PLACED AT A GRAVE SPACE, NICHE, OR CRYPT THAT IS PURCHASED ON OR AFTER JULY 1, 2004, THE CEMETERY AUTHORITY SHALL GIVE WRITTEN NOTICE TO THE PURCHASER OF THE GRAVE SPACE, NICHE, OR CRYPT OF WHO SHALL BE THE OWNER OF SUCH BURIAL MEMORIAL AND, AS OWNER, WHO SHALL BE ENTITLED TO MAKE OR AUTHORIZE A CHANGE TO THE INSCRIPTION ON SUCH BURIAL MEMORIAL.

(3) ANY PERSON VIOLATING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION COMMITS THE CRIME OF DEFAACING PROPERTY AS DEFINED IN SECTION 18-4-509 (1) (b), C.R.S.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 5, 2004