

Senate Bill No. 184

(By Senators Wells, D. Facemire, Williams, Yost, Sypolt,
Jenkins, Unger, Plymale, Hall, Laiard, Minard and Klempa)

[Introduced January 18, 2011; referred to the Committee on
Military; and then to the Committee on Finance.]

A BILL to amend and reenact §30-6-22 of the Code of West Virginia, 1931, as amended, relating to disposition of the remains of a deceased military service member who dies while serving in the United States armed forces.

Be it enacted by the Legislature of West Virginia:

That §30-6-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-22. Disposition of body of deceased person; penalty.

- 1 (a) No public officer, employee, physician or surgeon, or
- 2 ~~any~~ other person having a professional relationship with the
- 3 deceased, shall send or cause to be sent to ~~any~~ an embalmer,

4 funeral director or crematory operator the body of ~~any~~ a
5 deceased without first inquiring the desires of the next of kin
6 or any ~~persons~~ person who may be chargeable with the
7 funeral expenses of the deceased. If ~~any~~ next of kin or
8 person can be found, his or her authority and direction shall
9 be used as to the disposal of the body of the deceased. The
10 provisions of this subsection are not applicable if the
11 remains of the decedent are subject to disposition pursuant
12 to subsection (b) of this section.

13 (b) Notwithstanding any provision of this code to the
14 contrary, a United States Department of Defense Record of
15 Emergency Data Form (DD Form 93) executed by a declarant
16 who dies while serving in a branch of the United States
17 Military as defined in 10 U.S.C. §1481 constitutes a valid
18 form of declaration instrument and governs the disposition
19 of the declarant's remains. The person named in the form as
20 the person authorized to direct disposition of the remains
21 may arrange for the final disposition of the declarant's last
22 remains.

23 ~~(b)(c)~~ Any A person who violates the provisions of this
24 section is guilty of a misdemeanor and, upon conviction
25 thereof, shall be fined not less than \$500 nor more than

26 \$1,000, or imprisoned not less than ten days nor more than
27 ninety days, or both.

(NOTE: The purpose of this bill is to provide that disposition of the remains of a deceased military service member who dies while serving in the United States armed forces shall be governed by the directives in the United States Department of Defense Record of Emergency Data Form (DD Form 93) executed by the service member.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.

This bill was recommended for introduction and passage during the 2011 Regular Session by the Select Committee on Veteran's Affairs.)