

2022 Regular Session

HOUSE BILL NO. 997

BY REPRESENTATIVE DUPLESSIS

VETERANS: Provides relative to interment of military personnel

1 AN ACT

2 To amend and reenact R.S. 8:659(B) and to enact R.S. 8:659(C), relative to the interment of  
3 military personnel; to provide for permission to move remains; to provide for  
4 limitation of liability for moving the remains of military personnel; to provide for an  
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 8:659(B) is hereby amended and reenacted and R.S. 8:659(C) is  
8 hereby enacted to read as follows:

9 §659. Permission to move remains

10 \* \* \*

11 B.(1) Notwithstanding the provisions of Subsection of A of this Section to  
12 the contrary, if the decedent died in a manner described by 10 U.S.C. 1481(a)(1)  
13 through (8) while serving in any branch of the United States Armed Forces, the  
14 States Reserve Forces, or National Guard, and the decedent executed a United States  
15 Department of Defense Record of Emergency Data, known as DD Form 93, or its  
16 successor form, the right to control interment for the decedent, including permission  
17 to move the remains of the decedent, shall devolve upon the Person Authorized to  
18 Direct Disposition, also referred to as the PADD, as indicated on the DD Form 93  
19 or its successor form.

1           (2) There shall be no liability for a cemetery authority, funeral establishment,  
 2           funeral director, crematory authority, or the employees or agents of any of them to  
 3           whom a copy of a DD Form 93 is presented, purportedly executed by the decedent  
 4           for conducting the interment or other disposition of the decedent's remains, including  
 5           permission to move the remains of the decedent, pursuant to the instructions of the  
 6           PADD as indicated on the DD Form 93, or for relying on the representation of the  
 7           PADD that the decedent died in a manner described in Paragraph 1 of this  
 8           Subsection.

9           C. If the ~~required~~ consent required in Subsection A of this Section or  
 10           authorization provided by Subsection B of this Section cannot be obtained, a final  
 11           judgment of the district court of the parish where the cemetery is situated shall be  
 12           required.

13           Section 2. This Act shall be known and may be cited as "The United States Air Force  
 14           Airman First Class Eugene Joseph Sonnier, III Act".

15           Section 3. This Act shall become effective upon signature by the governor or, if not  
 16           signed by the governor, upon expiration of the time for bills to become law without signature  
 17           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 18           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 19           effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 997 Original

2022 Regular Session

Duplessis

**Abstract:** Allows the disinterment of human remains from a cemetery space by a person listed on certain military forms.

Present law (R.S. 8:655) provides that when a decedent dies while serving in any branch of the U.S. Armed Forces, the U.S. Reserve Forces, or National Guard, and the decedent executed a Dept. of Defense Record of Emergency Data form (DD Form 93) indicating a Person Authorized to Direct Disposition (PADD), the right to control interment for the decedent shall devolve to the designated PADD as provided by 10 U.S.C. 1481, when the decedent died in any of the following manners:

- (1) An enlisted person or officer in the regular component of an armed force who dies while on active duty.
- (2) A member of a reserve component of an armed force who dies while on active duty, performing inactive duty training, performing authorized travel directly to or from active duty or inactive training, remaining overnight immediately before the commencement of inactive duty training, staying at the member's residence during a period of inactive duty training or between successive days of inactive duty training, hospitalized or undergoing treatment for an injury, illness, or disease incurred or aggravated while on active duty or performing inactive training, or several funeral honors duty, traveling to or from the funeral honors duty or remaining overnight when serving funeral honors duty if the place is outside a reasonable commuting distance from the member's residence.
- (3) A member of a reserve officers' training corps who dies while attending a training camp, on an authorized practice cruise, performing authorized travel to or from such a camp or cruise, or hospitalized or receiving treatment at the expense of the U.S. for injury incurred or disease contracted while attending the camp or cruise or while performing travel to or from the camp or cruise.
- (4) Any accepted applicant for enlistment in an armed force.
- (5) A person who has been discharged from an enlistment in an armed force while a patient in a U.S. hospital, and who continues to be a patient until his date of death.
- (6) A person who dies as a retired member during a continuous hospitalization of the member as a patient in a U.S. hospital that began while the member was on active duty for a period of more than 30 days or qualified for retirement or separation for physical disability.
- (7) While a military prisoner.

Present law (R.S. 8:655) provides that the cemetery authority, funeral establishment, funeral director, crematory authority, or the employees or agents thereof to whom a copy of a DD Form 93 is presented shall not be liable for conducting the interment or other disposition of the decedent's remains pursuant to the PADD or for relying on the representation of the PADD regarding the manner of the decedent death.

Proposed law retains present law and provides similarly for the authority to move the remains of the decedent and for immunity from liability for moving the remains by the cemetery authority, funeral establishment, funeral director, crematory authority, or their employees and agents.

Proposed law shall be known and may be cited as "The United States Air Force Airman First Class Eugene Joseph Sonnier, III Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 8:659(B); Adds R.S. 8:659(C))