
DIGEST

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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))