

**HOUSE BILL No. 2331**

By Committee on Federal and State Affairs

Requested by Jessica Lucas on behalf of the Sedwick County Government

2-7

1 AN ACT concerning coroners; authorizing the disposition of the  
2 unclaimed remains of deceased persons by district coroners; providing  
3 exemptions from liability for actions taken to dispose of such remains;  
4 amending K.S.A. 22a-215 and repealing the existing section.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 22a-215 is hereby amended to read as follows: 22a-  
8 215. (a) The coroner shall cause the body of a deceased person to be  
9 delivered to the immediate family or the next of kin of the deceased in  
10 accordance with the provisions of K.S.A. 65-904, and amendments  
11 thereto. If there is no immediate family or next of kin, *or if the immediate*  
12 *family or next of kin refuse to accept the remains of such deceased person,*  
13 *then the coroner shall ~~report and make delivery~~ notify and deliver such*  
14 *remains* in accordance with the provisions of article 9 of chapter 65 of  
15 Kansas Statutes Annotated. If no such delivery is required, the coroner  
16 shall cause the body of such deceased person to be cremated or buried. The  
17 state or county officer responsible for the final disposition of the deceased  
18 person may authorize and order the cremation or burial of such deceased  
19 person.

20 (b) Cremation or burial expenses shall be paid from any property  
21 found with the body. If there is no property found with the body or if the  
22 property is not sufficient to cover such expenses and if the deceased was  
23 eligible for assistance under the provisions of article 7 of chapter 39 of  
24 Kansas Statutes Annotated, expenses of final disposition shall be paid in  
25 accordance with the provisions of K.S.A. 39-713d, and amendments  
26 thereto. Otherwise, such expenses shall be paid from the county general  
27 fund unless the deceased died in the custody of the secretary of  
28 corrections. Expenses of final disposition of the unclaimed bodies of  
29 deceased inmates in the custody of the secretary of corrections shall be  
30 paid by the department of corrections.

31 (b)(c) *A coroner in possession of the cremated remains of a deceased*  
32 *person may relinquish custody of such cremated remains if:*

33 (1) *No person has claimed such cremated remains during the three*  
34 *years following the date of death or any period of time prescribed by*  
35 *K.S.A. 22a-231 et seq., and amendments thereto, for preserving a*

Proposed Amendments to  
House Bill No. 2331  
Technical Ballroom  
Prepared by Office of Revisor of Statutes

1 decedent's remains, whichever is longer;

2 (2) the coroner publishes notice in a newspaper of general  
3 circulation in the county where the death occurred and states that such  
4 remains shall be disposed in accordance with this section unless such  
5 remains are claimed by the immediate family or the next of kin of the  
6 deceased within 30 days following the date such notice is published; and

7 (3) no claim on such cremated remains is made within the time  
8 prescribed in paragraph (2).

9 (d) If a person, who is authorized to take custody of the cremated  
10 remains of a deceased person, claims such remains, then such person shall  
11 be required to reimburse the coroner for the costs of such cremation and  
12 any other applicable fees assessed by the office of the district coroner.

(c)

13 (e) Cremated remains disposed of pursuant to subsection (b) shall be:  
14 (1) Buried by placing the remains in a church or cemetery plot or a  
15 scatter garden, or in a tomb, mausoleum, crypt, columbarium or other  
16 permanent non-accessible chamber; or

17 (2) if the decedent was a veteran, relinquished to the director of the  
18 Kansas commission of veteran's affairs' office, or the director's designee,  
19 or a national cemetery.

20 (f) Nothing in this section shall require a coroner to determine or  
21 seek the determination of whether a decedent was a veteran if the office of  
22 the district coroner was informed or otherwise discovered that:

23 (1) Such decedent was not a veteran; or

24 (2) such decedent did not desire any funeral or burial-related  
25 services or ceremonies recognizing such decedent's service as a veteran.

26 (g) The office of the district coroner shall not be liable for any costs  
27 or damages arising from the disposition of cremated remains conducted in  
28 accordance with this section, except in cases of gross negligence or willful  
29 misconduct.

30 (h) If after investigation the coroner determines that property found  
31 with the body of a decedent has insubstantial commercial value, the  
32 coroner may destroy or otherwise dispose of such property. Neither the  
33 coroner nor the county where the death occurred shall be liable for any  
34 action taken pursuant to this subsection.

35 (i) Any coroner who, over the protest of the immediate family or next  
36 of kin of the deceased, delivers or causes to be delivered the body of a  
37 deceased person for final disposition to a particular embalmer, funeral  
38 director or funeral establishment, shall be deemed guilty of a class B  
39 nonperson misdemeanor and upon conviction thereof shall forfeit the  
40 coroner's office.

41 Sec. 2. K.S.A. 22a-215 is hereby repealed.

42 Sec. 3. This act shall take effect and be in force from and after its  
43 publication in the statute book.