

HOUSE BILL No. 2331

By Committee on Federal and State Affairs

Requested by Jessica Lucas on behalf of the Sedwick County Government

2-7

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

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

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

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

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

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

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.*

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.*