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H. B. 2372

(By Delegates Iaquinta, Fleischauer, Longstreth,
Stephens and Azinger)

[Introduced February 13, 2013; referred to the
Committee on Veterans' Affairs and Homeland Security then
the Judiciary.]

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 EMBALMERS AND FUNERAL DIRECTORS.

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

(a) No public officer, employee, physician or surgeon, or ~~any~~
other person having a professional relationship with the deceased,
shall send or cause to be sent to ~~any~~ an embalmer, funeral director
or crematory operator the body of ~~any~~ a deceased without first
inquiring the desires of the next of kin or ~~any persons~~ person who
may be chargeable with the funeral expenses of the deceased. If ~~any~~
next of kin or person can be found, his or her authority and

1 direction shall be used as to the disposal of the body of the
2 deceased. The provisions of this subsection are not applicable if
3 the remains of the decedent are subject to disposition pursuant to
4 subsection (b) of this section.

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

14 ~~(b)~~ (c) ~~Any~~ A person who violates the provisions of this
15 section is guilty of a misdemeanor and, upon conviction thereof,
16 shall be fined not less than \$500 nor more than \$1,000, or
17 imprisoned not less than ten days nor more than ninety days, or
18 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.