

1 **Senate Bill No. 184**

2 (By Senators Wells, D. Facemire, Williams, Yost, Sypolt, Jenkins,
3 Unger, Plymale, Hall, Laiard, Minard and Klempa)

4 _____
5 [Introduced January 18, 2011; referred to the Committee on
6 Military; and then to the Committee on Finance.]

7 _____
8
9 A BILL to amend and reenact §30-6-22 of the Code of West Virginia,
10 1931, as amended, relating to disposition of the remains of a
11 deceased military service member who dies while serving in the
12 United States armed forces.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §30-6-22 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.**

17 **§30-6-22. Disposition of body of deceased person; penalty.**

18 (a) No public officer, employee, physician or surgeon, or ~~any~~
19 other person having a professional relationship with the deceased,
20 shall send or cause to be sent to ~~any~~ an embalmer, funeral director
21 or crematory operator the body of ~~any~~ a deceased without first
22 inquiring the desires of the next of kin or any ~~persons~~ person who
23 may be chargeable with the funeral expenses of the deceased. If
24 ~~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
6 contrary, a United States Department of Defense Record of Emergency
7 Data Form (DD Form 93) executed by a declarant who dies while
8 serving in a branch of the United States Military as defined in 10
9 U.S.C. §1481 constitutes a valid form of declaration instrument and
10 governs the disposition of the declarant's remains. The person
11 named in the form as the person authorized to direct disposition of
12 the remains may arrange for the final disposition of the
13 declarant's last 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.

19
20

(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.)