13103302D

1 **SENATE BILL NO. 1322**
2 Offered January 18, 2013
3 *A BILL to amend and reenact § 32.1-288 of the Code of Virginia, relating to disposition of dead bodies.*
4 ——————
   Patron—Garrett
5 ——————
6 Referred to Committee on Education and Health
7 ——————
8 **Be it enacted by the General Assembly of Virginia:**
9 **1. That § 32.1-288 of the Code of Virginia is amended and reenacted as follows:**
10 **§ 32.1-288. Disposition of dead body; how expenses paid.**
11 A. After any investigation authorized or required pursuant to this article has been completed,
12 including an autopsy if one is performed, the sheriff or other person or institution having initial custody
13 of the dead body shall make good faith efforts, pursuant to § 32.1-283, to identify the next of kin of the
14 decedent, and the dead body may be claimed by the relatives or friends of the deceased person for
15 disposition. The claimant shall bear the expenses of such disposition. However, if the claimant is
16 financially unable to pay the reasonable costs of disposition of the body, the costs shall be borne ~~(i) by~~
17 ~~the county or city in which the deceased person resided at the time of death if the deceased person was~~
18 ~~a resident of Virginia or (ii) by the county or city in which the death occurred if the deceased person~~
19 ~~was not a resident of Virginia or the location of the deceased person's residence cannot reasonably be~~
20 ~~determined~~ *by the Commonwealth.*
21 B. If no person claims the body of a deceased person, the Commissioner may accept the body for
22 scientific study as provided in Article 3 (§ 32.1-298 et seq.). If the Commissioner refuses to accept the
23 body for scientific study, the dead body shall be accepted by the sheriff of the county or city where
24 death occurred for proper disposition and, except as provided in subsection C or D, the reasonable
25 expenses of disposition of the body incurred by such sheriff shall be borne (i) by the county or city in
26 which the deceased person resided at the time of death if the deceased person was a resident of Virginia
27 or (ii) by the county or city where death occurred if the deceased person was not a resident of Virginia
28 or the location of the deceased person's residence cannot reasonably be determined. However, no such
29 expenses shall be paid by such county or city until allowed by an appropriate court in such county or
30 city. If the deceased person has an estate out of which burial expenses can be paid, either in whole or in
31 part, such estate shall be taken for such purpose.
32 C. In the case of a person who has been received into the state corrections system and died prior to
33 his release, whose body is unclaimed and whose body the Commissioner refuses to accept for scientific
34 study, the Department of Corrections shall bear the reasonable expenses for cremation or other
35 disposition of the body. In the case of a person who has been received into the state corrections system
36 and died prior to his release and whose claimant is financially unable to pay reasonable expenses of
37 disposition, the expenses shall be borne by the county or city where the claimant resides.
38 D. In the case of a person who has been committed to the custody of the Department of Behavioral
39 Health and Developmental Services and died prior to his release, whose body is unclaimed and whose
40 body the Commissioner refuses to accept for scientific study, the Department of Behavioral Health and
41 Developmental Services shall bear the reasonable expenses for cremation or other disposition of the
42 body. In the case of a person who has been committed to the custody of the Department of Behavioral
43 Health and Developmental Services and died prior to his release and whose claimant is financially
44 unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city
45 where the claimant resides.
46 E. Unless such act, decision, or omission resulted from bad faith or malicious intent, the
47 Commissioner, the Chief Medical Examiner, the funeral service establishment, funeral service licensee or
48 registered crematory shall be immune from civil liability for any act, decision, or omission resulting
49 from the acceptance of any dead body for cremation or other disposition.