

23100144D

HOUSE BILL NO. 2011

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding a section numbered 57-27.1:1, relating to cemeteries; interment rights; proof of kinship.*

 Patron—Roem

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 57-27.1:1 as follows:**

§ 57-27.1:1. Cemeteries located on private property; interment rights of family members and descendants.

A. For purposes of this section, unless the context requires a different meaning:

"Immediate family" includes one's spouse, child, parent, sibling, grandchild, grandparent, and parent-in-law.

"Interment" means the same as that term is defined in § 54.1-2310.

B. Any family member or descendant of a deceased person buried in a cemetery located on private property owned by someone other than such family member or descendant may petition the circuit court of the county or city wherein the property is located for interment rights upon such property.

C. Upon satisfactory showing of proof of kinship, the court shall award the family member or descendant interment rights upon such property. Such family member or descendant shall, in addition to the rights provided for in § 57-27.1, have interment rights concerning himself and other family members and descendants. The family member or descendant may prove kinship to a deceased person buried in the cemetery by proffering official documentation or evidence of kinship or nonofficial documentation, such as obituaries, family Bibles or other documents with family signatures, journals or letters of the deceased family person, family photographs, or other official or nonofficial documentation deemed by the court to be reliable. For purposes of this section, the family member or descendant shall be within the immediate family, up to two generations, of a deceased person buried in the cemetery.

D. An owner of private property containing a cemetery or grave shall comply with all court orders allowing for the ingress and egress of such family member and descendant for interment purposes but may designate reasonable limitations with regard to access and usage of the property for the interment of any deceased person.

E. The provisions of this section shall not apply to any cemetery, mausoleum, columbarium, or similar interment facility located on the property of any church or religious association, denomination, or body. For purposes of this subsection, the property of any church or religious association, denomination, or body leased by (i) an incorporated church or religious body or corporation, as described in § 57-16.1; (ii) a duly designated ecclesiastical officer; or (iii) a trustee of an unincorporated church or religious body shall be deemed to be owned by such church or religious association, denomination, or body.

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