

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 57 a section number*
3 *57-27.2 and by adding in Article 4 of Chapter 3 of Title 57 a section numbered 57-39.1:1, relating*
4 *to cemeteries; interment.*

5 [H 2000]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 57 a section**
9 **number 57-27.2 and by adding in Article 4 of Chapter 3 of Title 57 a section numbered 57-39.1:1**
10 **as follows:**

11 *§ 57-27.2. Correction of interment errors.*

12 *A. In any instance where the operator of a cemetery is informed or becomes aware that it has*
13 *interred or permitted the interment of a body or cremains in the wrong burial space, it shall disinter the*
14 *burial container wrongfully interred, identify the burial container, and reinter it in the proper burial*
15 *space. The cemetery shall give reasonable notice, in advance of the disinterment, to the nearest known*
16 *next of kin of the deceased person and, if requested, the owner of such burial space. For the purposes*
17 *of this section, "interment" means the same as such term is defined in § 57-35.11.*

18 *B. At the time specified for the disinterment and reinterment, the cemetery shall permit the nearest*
19 *known next of kin and, if requested, the owner of such burial space to witness the disinterment and*
20 *reinterment,*

21 *C. The cemetery shall bear all costs of the disinterment and reinterment.*22 *§ 57-39.1:1. Recovery of abandoned interment rights; procedure; rights of owner of record.*

23 *A. When interment rights that have been granted by the owner of a cemetery are not used for a*
24 *period of fifty years or more, they shall be deemed abandoned and revert to the owner of the cemetery,*
25 *provided he has complied with the provisions of subsection B. For the purposes of this section,*
26 *"interment" means the same as such term is defined in § 57-35.11.*

27 *B. The owner of the cemetery shall send notice by certified mail, return receipt requested, to the*
28 *owner of the interment right, his heirs or assigns, and any next of kin known to the cemetery. The notice*
29 *shall be sent to the last known address of the owner requesting the owner's current address, if different*
30 *than the last known address, and the addresses of the owner's heirs or assigns. If a written response is*
31 *received from the person to whom notice was sent by the cemetery, the interment rights shall not be*
32 *deemed abandoned and such rights shall continue for an additional fifty years from the date the*
33 *response was received by the cemetery. If notice is returned undeliverable or if no response is received*
34 *by the cemetery within thirty days after notice was sent, the cemetery shall publish a general notice of*
35 *its intent to declare the interment rights abandoned in a newspaper of general circulation (i) in the*
36 *county or city where the cemetery is located and (ii) in the county or city of the last known address of*
37 *the record owner of the interment rights. Such notice shall contain the name and business address of the*
38 *cemetery and the name of the last record owner of the interment rights. If there is no response thereto*
39 *by or on behalf of the record owner or his heirs or assigns within 120 days after publication of the*
40 *notice, the interment rights shall be deemed abandoned and shall revert to the owner of the cemetery. If*
41 *a written response is received by the cemetery, the interment rights shall not be deemed abandoned and*
42 *such rights shall continue for an additional fifty years from the date the response was received by the*
43 *cemetery.*

44 *C. If, within thirty years after the interment rights have been deemed abandoned, the record owner,*
45 *or his heirs or assigns, can prove to the cemetery or a court of competent jurisdiction that he is entitled*
46 *to the interment rights, the cemetery shall, at no cost, provide a right of interment similar to the one*
47 *that was abandoned.*