

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1058

BY REPRESENTATIVE(S) Marostica, Acree, Apuan, Balmer, Baumgardner, Benefield, Bradford, Carroll T., Casso, Court, Curry, Ferrandino, Fischer, Frangas, Gardner B., Gardner C., Gerou, Green, Hullinghorst, Kefalas, Kerr A., Kerr J., King S., Labuda, Lambert, Levy, Liston, Looper, Massey, McGihon, McNulty, Middleton, Miklosi, Murray, Nikkel, Primavera, Priola, Rice, Riesberg, Roberts, Ryden, Scanlan, Schafer S., Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Tipton, Todd, Vaad, Vigil, Waller, Weissmann;
also SENATOR(S) Morse, Bacon, Boyd, Brophy, Cadman, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Isgar, Kester, King K., Kopp, Lundberg, Mitchell, Newell, Sandoval, Scheffel, Schwartz, Shaffer B., Spence, Tapia, Tochtrop, Veiga, White, Williams.

CONCERNING THE FINAL DISPOSITION OF THE REMAINS OF VETERANS OF THE
ARMED FORCES THAT HAVE BEEN ABANDONED.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 15-19-106 (4) (b), Colorado Revised Statutes, is amended to read:

15-19-106. Right to dispose of remains. (4) (b) (I) The person with the right to control disposition shall be presumed to be unable or

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

unwilling to provide for such disposition, or the person's whereabouts shall be presumed unknown, if the person has failed to make or appoint another person to make final arrangements for the disposition of the decedent within five days after receiving notice of the decedent's death or within ten days after the decedent's death, whichever is earlier.

(II) ANY MEMBER OR VETERAN OF THE ARMED FORCES OF THE UNITED STATES OR OF AN ORGANIZATION SUPPORTING MEMBERS OR VETERANS OF THE ARMED FORCES OF THE UNITED STATES SHALL HAVE THE RIGHT TO ACCESS THE HUMAN REMAINS AND RECORDS THEREOF IN ORDER TO IDENTIFY THE REMAINS IF NO PERSON WITH THE RIGHT OF FINAL DISPOSITION HAS PROVIDED FOR FINAL DISPOSITION FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER DEATH. IF THE REMAINS ARE THOSE OF A VETERAN OF THE ARMED FORCES OF THE UNITED STATES, THE PERSON WHO POSSESSES THE REMAINS SHALL MAKE ARRANGEMENTS FOR THE REMAINS TO BE TRANSFERRED TO THE CLOSEST UNITED STATES MILITARY CEMETERY. THIS SUBPARAGRAPH (II) SHALL NOT BE CONSTRUED TO AUTHORIZE THE EXHUMATION OF DEAD HUMAN BODIES NOR THE POSSESSION OF DEAD HUMAN BODIES BY ANY PERSON SEEKING TO IDENTIFY THE IDENTITY OF THE REMAINS.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO