

# 40A:9-49.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2002                    **CHAPTER:** 121

**NJSA:** 40A:9-49.1        (Responsibility for burial costs-indigent)

**BILL NO:** A1751            (Substituted for S1914)

**SPONSOR(S):** Weinberg and Johnson

**DATE INTRODUCED:** February 4, 2002

**COMMITTEE:**            **ASSEMBLY:** Housing and Local Government

**SENATE:** Community and Urban Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**            **ASSEMBLY:** May 6, 2002

**SENATE:** October 31, 2002

**DATE OF APPROVAL:** December 12, 2002

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

#### A1751

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1914

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A1751

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** [Yes](#)

Identical to Senate Statement for A1751

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2002, CHAPTER 121, *approved December 12, 2002*  
Assembly, No. 1751

1 AN ACT concerning the burial of indigent, unidentified or unclaimed  
2 deceased persons, amending various sections of statutory law and  
3 repealing R.S.44:1-157.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 1 of P.L.1987, c.67 (C.40A:9-49.1) is amended to read  
9 as follows:

10 1. Notwithstanding any provision of law, rule or regulation to the  
11 contrary, when an indigent person dies in his resident county without  
12 a surviving spouse, parent or emancipated child [and] or in a  
13 [municipality] county other than his resident [municipality] county,  
14 the resident county of the indigent decedent is responsible for the  
15 necessary and reasonable expenses for the burial. For the purposes of  
16 this act, "indigent decedent" means a person who dies without leaving  
17 an ascertainable estate sufficient to pay part or all of the person's  
18 burial expenses and whose burial expenses are not payable by the State  
19 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.), P.L.1947, c.156  
20 (C.44:8-107 et seq.) or P.L.1973, c.256 (C.44:7-85 et seq.), or by the  
21 county pursuant to N.J.S.40A:9-49.

22 (cf: P.L.1987, c.67, s.1)

23

24 2. N.J.S.40A:9-53 is amended to read as follows:

25 40A:9-53. In counties having morgue keepers, unidentified or  
26 unclaimed dead bodies shall be delivered to the morgue keeper, and if  
27 there be more than one, to the morgue keeper in the area where the  
28 body is at the time for such delivery. The morgue keeper shall receive  
29 and place the body in the morgue.

30 (cf: N.J.S.40A:9-53)

31

32 3. N.J.S.40A:9-54 is amended to read as follows:

33 40A:9-54. Unidentified or unclaimed dead bodies shall be viewed  
34 by the county medical examiner or a regularly licensed and practicing  
35 physician deputized for that purpose by the county medical examiner.  
36 Thereafter the body shall be buried by the morgue keeper at the  
37 expense of the county.

38 (cf: N.J.S.40A:9-54)

39

40 4. N.J.S.40A:9-56 is amended to read as follows:

41 40A:9-56. In any county where there is no morgue keeper, the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 procedure as to the disposition of unidentified or unclaimed dead  
2 bodies shall be as nearly similar as in counties having a morgue keeper  
3 and the duties which would have been performed by the morgue  
4 keeper, if there were one, shall be performed by the county medical  
5 examiner.

6 (cf: N.J.S.40A:9-56)

7

8 5. R.S.44:1-157 is repealed.

9

10 6. This act shall take effect immediately.

11

12

13

### STATEMENT

14

15 This bill clarifies that counties are responsible for the burial costs  
16 of indigent, unidentified or unclaimed deceased persons that, prior to  
17 death, resided within the county boundaries. Under current law there  
18 is a conflict between R.S.44:1-157 and section 1 of P.L.1987, c.67  
19 (C.40A:9-49.1) as to whether the municipality or county is responsible  
20 for the burial costs. This bill repeals R.S.44:1-157 to make it clear  
21 that the county is responsible for the burial costs and adds language to  
22 other statutes to cover the disposition of unclaimed dead bodies,  
23 whether or not an identity has been established. The bill covers the  
24 situation of the burial of a known and claimed decedent who is  
25 indigent and whose burial expenses are not covered by any State or  
26 federal program. The bill also clarifies that the county of residence is  
27 responsible for the necessary and reasonable expenses for burial of  
28 their indigent residents who are not covered by any State or federal  
29 program, regardless of the county where death occurs.

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32

33

34 Clarifies responsibility of county to pay burial costs of indigent,  
35 unidentified or unclaimed deceased persons.

# ASSEMBLY, No. 1751

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 4, 2002

**Sponsored by:**

**Assemblywoman LORETTA WEINBERG**

**District 37 (Bergen)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Co-Sponsored by:**

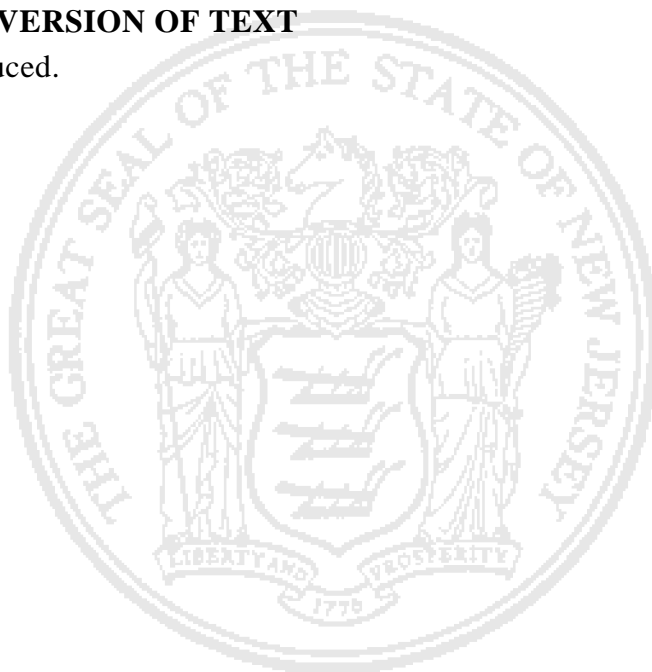
**Assemblymen Ahearn, Munoz and Senator Charles**

**SYNOPSIS**

Clarifies responsibility of county to pay burial costs of indigent, unidentified or unclaimed deceased persons.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/1/2002)**

A1751 WEINBERG, JOHNSON

2

1 AN ACT concerning the burial of indigent, unidentified or unclaimed  
2 deceased persons, amending various sections of statutory law and  
3 repealing R.S.44:1-157.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. Section 1 of P.L.1987, c.67 (C.40A:9-49.1) is amended to read  
9 as follows:

10 1. Notwithstanding any provision of law, rule or regulation to the  
11 contrary, when an indigent person dies in his resident county without  
12 a surviving spouse, parent or emancipated child **[and]** or in a  
13 **[municipality]** county other than his resident **[municipality]** county,  
14 the resident county of the indigent decedent is responsible for the  
15 necessary and reasonable expenses for the burial. For the purposes of  
16 this act, "indigent decedent" means a person who dies without leaving  
17 an ascertainable estate sufficient to pay part or all of the person's  
18 burial expenses and whose burial expenses are not payable by the State  
19 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.), P.L.1947, c.156  
20 (C.44:8-107 et seq.) or P.L.1973, c.256 (C.44:7-85 et seq.), or by the  
21 county pursuant to N.J.S.40A:9-49.

22 (cf: P.L.1987, c.67, s.1)

23

24 2. N.J.S.40A:9-53 is amended to read as follows:

25 40A:9-53. In counties having morgue keepers, unidentified or  
26 unclaimed dead bodies shall be delivered to the morgue keeper, and if  
27 there be more than one, to the morgue keeper in the area where the  
28 body is at the time for such delivery. The morgue keeper shall receive  
29 and place the body in the morgue.

30 (cf: N.J.S.40A:9-53)

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32 3. N.J.S.40A:9-54 is amended to read as follows:

33 40A:9-54. Unidentified or unclaimed dead bodies shall be viewed  
34 by the county medical examiner or a regularly licensed and practicing  
35 physician deputized for that purpose by the county medical examiner.  
36 Thereafter the body shall be buried by the morgue keeper at the  
37 expense of the county.

38 (cf: N.J.S.40A:9-54)

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40 4. N.J.S.40A:9-56 is amended to read as follows:

41 40A:9-56. In any county where there is no morgue keeper, the  
42 procedure as to the disposition of unidentified or unclaimed dead  
43 bodies shall be as nearly similar as in counties having a morgue keeper

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 and the duties which would have been performed by the morgue  
2 keeper, if there were one, shall be performed by the county medical  
3 examiner.

4 (cf: N.J.S.40A:9-56)

5

6 5. R.S.44:1-157 is repealed.

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8 6. This act shall take effect immediately.

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#### STATEMENT

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13 This bill clarifies that counties are responsible for the burial costs  
14 of indigent, unidentified or unclaimed deceased persons that, prior to  
15 death, resided within the county boundaries. Under current law there  
16 is a conflict between R.S.44:1-157 and section 1 of P.L.1987, c.67  
17 (C.40A:9-49.1) as to whether the municipality or county is responsible  
18 for the burial costs. This bill repeals R.S.44:1-157 to make it clear  
19 that the county is responsible for the burial costs and adds language to  
20 other statutes to cover the disposition of unclaimed dead bodies,  
21 whether or not an identity has been established. The bill covers the  
22 situation of the burial of a known and claimed decedent who is  
23 indigent and whose burial expenses are not covered by any State or  
24 federal program. The bill also clarifies that the county of residence is  
25 responsible for the necessary and reasonable expenses for burial of  
26 their indigent residents who are not covered by any State or federal  
27 program, regardless of the county where death occurs.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1751**

**STATE OF NEW JERSEY**

DATED: MARCH 4, 2002

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1751.

This bill clarifies that counties are responsible for the burial costs of indigent, unidentified or unclaimed deceased persons that, prior to death, resided within the county boundaries. Under current law there is a conflict between R.S.44:1-157 and section 1 of P.L.1987, c.67 (C.40A:9-49.1) as to whether the municipality or county is responsible for the burial costs. This bill repeals R.S.44:1-157 to make it clear that the county is responsible for the burial costs and adds language to other statutes to cover the disposition of unclaimed dead bodies, whether or not an identity has been established. The bill covers the situation of the burial of a known and claimed decedent who is indigent and whose burial expenses are not covered by any State or federal program. The bill also clarifies that the county of residence is responsible for the necessary and reasonable expenses for burial of their indigent residents who are not covered by any State or federal program, regardless of the county where death occurs.



SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1751**

**STATE OF NEW JERSEY**

DATED: OCTOBER 17, 2002

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1751.

This bill clarifies that counties are responsible for the burial costs of indigent, unidentified or unclaimed deceased persons that, prior to death, resided within the county boundaries. Under current law there is a conflict between R.S.44:1-157 and section 1 of P.L.1987, c.67 (C.40A:9-49.1) as to whether the municipality or county is responsible for the burial costs. This bill repeals R.S.44:1-157 to make it clear that the county is responsible for the burial costs and adds language to other statutes to cover the disposition of unclaimed dead bodies, whether or not an identity has been established. The bill covers the situation of the burial of a known and claimed decedent who is indigent and whose burial expenses are not covered by any State or federal program. The bill also clarifies that the county of residence is responsible for the necessary and reasonable expenses for burial of its indigent residents who are not covered by any State or federal program, regardless of the county where death occurs.

This bill is identical to Senate Bill No. 1914, which also was reported by this committee on October 17, 2002.

**SENATE, No. 1914**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED SEPTEMBER 30, 2002

**Sponsored by:**  
**Senator JOSEPH CHARLES, JR.**  
**District 31 (Hudson)**

**SYNOPSIS**

Clarifies responsibility of county to pay burial costs of indigent, unidentified or unclaimed deceased persons.

**CURRENT VERSION OF TEXT**

As introduced.



S1914 CHARLES

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**S1914 CHARLES**

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# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1914**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 17, 2002

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This bill is identical to Assembly Bill No. 1751, which also was reported by this committee on October 17, 2002.