

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0386.01 Jery Payne x2157

SENATE BILL 19-027

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Valdez D.,

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A COUNTY TO USE ANY LAWFUL**
102 **METHOD TO GIVE FINAL DISPOSITION TO AN UNCLAIMED DEAD**
103 **BODY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires a county to bury an unclaimed dead body after following certain procedures. The bill authorizes the county to also cremate the body or use any lawful method of final disposition. The bill also harmonizes conflicts in existing law to the standards required by the final disposition statute.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 15-19-106, **amend**
3 (5) as follows:

4 **15-19-106. Right to dispose of remains.** (5) If the persons
5 enumerated in subsection (1) of this section are not willing or able to
6 provide for the final disposition of a decedent's remains, or if the persons'
7 whereabouts cannot be reasonably ascertained, then the public
8 administrator responsible for the decedent's estate or the person who
9 controls indigent burials FINAL DISPOSITION in the county in which WHERE
10 the death occurred shall make arrangements for the final disposition of
11 the decedent's remains IN ACCORDANCE WITH PART 3 OF THIS ARTICLE 19.

12 **SECTION 2.** In Colorado Revised Statutes, 15-19-302, **add** (4)
13 and (5) as follows:

14 **15-19-302. Duty of public officers as to unclaimed bodies -**
15 **definition.** (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
16 SECTION, A CORONER MAY RETAIN THE BODY OF A DECEASED PERSON FOR
17 SEVENTY-TWO HOURS TO DISCOVER IF THE DECEASED PERSON HAS ANY
18 RELATIVE, FRIEND, OR REPRESENTATIVE.

19 (5) FOR THE PURPOSES OF THIS SECTION, "BURIAL" MEANS ANY
20 LAWFUL METHOD, INCLUDING CREMATION, OF DISPOSING OF A DEAD
21 HUMAN BODY.

22 _____

23 **SECTION 3.** In Colorado Revised Statutes, 26-2-129, **amend**
24 (9)(a) as follows:

25 **26-2-129. Funeral - burial - cremation expenses - death**

1 **reimbursement - definitions.** (9) (a) Notwithstanding ~~any other~~
2 ~~provision of law to the contrary the disposition~~ PART 3 OF ARTICLE 19 OF
3 TITLE 15, THE COUNTY DEPARTMENT SHALL DISPOSE of a deceased public
4 assistance or medical assistance recipient ~~shall be~~ in accordance with
5 ~~subparagraph (I) or (II) of this paragraph (a)~~ SUBSECTION (9)(a)(I) OR
6 (9)(a)(II) OF THIS SECTION, as follows:

7 (I) A public assistance or medical assistance recipient may
8 express, in writing and in accordance with a procedure established by the
9 state department, a preference to be buried or cremated or both. ~~Such~~ THE
10 expression shall be honored by the county department within the limits of
11 costs and reimbursements specified in this section.

12 (II) The disposition of a public assistance or medical assistance
13 recipient who has not expressed a preference ~~shall be~~ IS determined
14 ~~respectively by such recipient's spouse, adult children, parents, or siblings~~
15 IN ACCORDANCE WITH ARTICLE 19 OF TITLE 15. Upon the death of a
16 recipient, the county department shall use reasonable effort to contact
17 ~~such an authorized~~ THE person WITH THE RIGHT OF FINAL DISPOSITION to
18 determine the disposition of the deceased recipient. If ~~such~~ THE effort
19 does not result in contact with an authorized relative within twenty-four
20 hours, the county shall immediately have the deceased recipient's body
21 refrigerated or embalmed. If ~~such~~ THE effort does not result in contact
22 with and decision by an authorized relative within seven days of the
23 recipient's death, the county department shall determine whether to bury
24 or cremate the deceased recipient on the basis of which option is less
25 costly.

26 **SECTION 4.** In Colorado Revised Statutes, **amend** 30-10-618 as
27 follows:

1 **30-10-618. Burial expenses - when paid by county.** The coroner
2 shall cause the body of a deceased person ~~which he~~ WHO THE CORONER
3 is called to view ~~to be delivered to his friends, if there are any, but if not~~
4 ~~he shall cause him to be decently buried, the expenses to be paid from any~~
5 ~~property found with the body, or, if there is none, from the county~~
6 ~~treasury, by certifying an account of the expenses which, being presented~~
7 ~~to the board of county commissioners, shall be allowed by them if~~
8 ~~deemed reasonable and paid as other claims on the county~~ AND WHO IS
9 UNCLAIMED BY A PERSON WITH THE RIGHT OF FINAL DISPOSITION TO BE
10 GIVEN FINAL DISPOSITION IN ACCORDANCE WITH PART 3 OF ARTICLE 19 OF
11 TITLE 15.

12 **SECTION 5.** In Colorado Revised Statutes, **amend** 30-17-104 as
13 follows:

14 **30-17-104. Burial expenses.** Each county shall ~~also~~ provide for
15 the decent ~~burial~~ FINAL DISPOSITION, IN ACCORDANCE WITH PART 3 OF
16 ARTICLE 19 OF TITLE 15, of any person who dies within the county AND
17 who does not leave sufficient funds for ~~such~~ THE burial and whose family
18 is either financially unable to provide for ~~such~~ THE burial or cannot be
19 contacted within a reasonable time.

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.