

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1335

By: Claunch

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1151 and 1158, which relate to the disposal of dead bodies; modifying terms; authorizing assignment of right to dispose of own dead body to another person; modifying order of persons responsible for burial duty; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1151, is amended to read as follows:

Section 1151. A. Any person has the right to direct the manner in which ~~his~~ the body of that person shall be disposed of after ~~his~~ death, and to direct the manner in which any part of ~~his~~ the body of that person which becomes separated therefrom during ~~his~~ the lifetime of that person shall be disposed of. The provisions of this article do not apply where such person has given directions for the disposal of ~~his~~ the body of that person or any part thereof inconsistent with these provisions.

B. A person may assign the right in which the body of that person shall be disposed of after death by executing a sworn

affidavit stating the assignment of the right and the name of the person or persons to whom the right has been assigned.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1158, is amended to read as follows:

Section 1158. The duty of burying the body of a deceased person devolves upon the persons hereinafter specified:

~~1st.~~ 1. The person or persons designated in subsection B of Section 1151 of this title.

2. If the deceased ~~were~~ was a married ~~woman~~ person, the duty of burial devolves upon ~~her husband~~ the spouse of the person.

~~2nd.~~ 3. If the deceased were not a married ~~woman~~, but left any kindred, the duty of burial devolves upon any person or persons in the same degree nearest of kin to the deceased, being of adult age, and possessed of sufficient means to defray the necessary expenses.

~~3rd.~~ 4. If the deceased left no ~~husband~~ spouse, nor kindred, answering to the foregoing description, the duty of burial devolves upon the officer conducting an inquest upon the body of the deceased, if any such inquest is held; if none, then upon the persons charged with the support of the poor in the locality in which the death occurs.

~~4th.~~ 5. In case the person upon whom the duty of burial is cast by the foregoing provisions omits to make such burial within a reasonable time, the duty devolves upon the person next specified; and if all omit to act, it devolves upon the tenant, or, if there be no tenant, upon the owner of the premises where the death occurs or the body is found.

SECTION 3. This act shall become effective November 1, 1997.

46-1-5423

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