

SHORT TITLE: Cemeteries; relating to ingress and egress to
cemeteries on private land; stipulating additional kinds of persons
who may visit cemetery; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 443

By: Littlefield

AS INTRODUCED

An Act relating to cemeteries; amending Section 1, Chapter 214, O.S.L. 1992 (8 O.S. Supp. 1996, Section 187), which relates to ingress and egress to cemeteries on private land; stipulating additional kinds of persons who may visit cemetery; deleting requirement that cemetery be abandoned; modifying and defining terms; expanding acceptable purpose for visitation; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 214, O.S.L. 1992 (8 O.S. Supp. 1996, Section 187), is amended to read as follows:

Section 187. A. 1. Any genealogist or any relative of ~~the~~ a deceased person who ~~wishes to visit an abandoned~~ is buried in a cemetery which is completely surrounded by privately owned land, for which no public ingress or egress is available, shall have the right to reasonable ingress or egress for the purpose of visiting ~~such~~ the cemetery. This right of access to ~~such cemeteries~~ the cemetery extends only to visitation during reasonable hours and only for purposes usually associated with genealogy or cemetery visits.

2. For the purposes of this section, ~~"abandoned cemetery":~~

a. "cemetery" means any place where human skeletal remains are buried ~~and which no body has been interred~~

~~for at least twenty-five (25) years and where such~~
~~site~~ which is readily identifiable as a cemetery by an
inspection of the property, and

b. "genealogist" means a person who traces or studies the
descent of persons or families.

3. Any relative of the deceased or any genealogist who wishes
to visit ~~an abandoned~~ a cemetery shall make a good faith effort to
notify the owners and tenants, if any, of ~~said~~ the property prior to
visiting the cemetery.

B. This section shall not be interpreted to allow the creation
of an easement or claim of easement nor a right of ownership or
claim of right of ownership to ~~an abandoned~~ a cemetery.

SECTION 2. This act shall become effective November 1, 1997.

46-1-0830

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