

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2520

By: Hilliard

COMMITTEE SUBSTITUTE

An Act relating to cemeteries; enacting the Abandoned, Historic and Pioneer Cemetery Preservation Act; providing definitions; prohibiting certain conduct; providing certain rights for persons entering certain cemeteries; providing exclusion from the act; providing a penalty; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 331 of Title 8, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Abandoned, Historic and Pioneer Cemetery Preservation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 332 of Title 8, unless there is created a duplication in numbering, reads as follows:

When used in the Abandoned, Historic and Pioneer Cemetery Preservation Act:

1. "Historic" and "Pioneer" shall mean any cemetery or burial ground, whether on public or private land, that has human remains interred before the statehood of Oklahoma, November 16, 1907; and

2. "Abandoned Cemetery" means any cemetery or burial ground in which there is an interment of the human remains and which no person has been interred for fifty (50) years.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 333 of Title 8, unless there is created a duplication in numbering, reads as follows:

A. No person shall, whether on private or public land, remove, or cause to be removed, any fence or part of a fence, stone, or marker from around any cemetery or grave. No person shall intentionally injure, or otherwise cause to be damaged, any portion of a grave of a historic or abandoned cemetery.

B. No structure may be erected within any identified boundaries of a historic or abandoned cemetery or grave, whether on public or private land, other than a structure erected for the maintenance of such cemetery by a government entity, cemetery association, or other properly recognized organization.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 334 of Title 8, unless there is created a duplication in numbering, reads as follows:

Any family member of the deceased, upon request and at reasonable times, shall have a right to access and enter upon a historic or abandoned cemetery with reasonable ingress and egress for the purposes of visiting such cemetery or performing minor maintenance such as placing or repairing markers, removing weeds or brush, or installing or mending fences. Such person or group shall have the right to bring in the necessary equipment for such maintenance by motor vehicle, if necessary, on the most direct and efficient route. A private landowner shall not assume the liability for any damages sustained by any person entering the property for the reasons cited in this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 335 of Title 8, unless there is created a duplication in numbering, reads as follows:

The Abandoned, Historic and Pioneer Cemetery Preservation Act shall not have any reference to or be binding on any municipality,

county, or state cemetery that is currently maintained by those government bodies, or any of its political subdivisions, or any cemetery in which the earliest interment of human remains is after November 16, 1907.

Any person in violation of any of the provisions the Abandoned, Historic and Pioneer Cemetery Preservation Act shall be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and no more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both fine and imprisonment for each offense.

SECTION 6. This act shall become effective November 1, 2006.

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