

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 551

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE CORONER; AMENDING SECTION 31-2802, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BURIAL OR CREMATION OF UNCLAIMED BODIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3412, IDAHO CODE, TO REVISE A SHORT TITLE; AMENDING SECTION 54-1143, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RIGHT TO RELY ON CERTAIN AUTHORIZATIONS; AND AMENDING SECTION 14-107, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO BURIAL ARRANGEMENTS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-2802, Idaho Code, be, and the same is hereby amended to read as follows:

31-2802. BURIAL OR CREMATION OF UNCLAIMED BODIES. When no person takes charge of the body of the deceased within fourteen (14) days of death, the coroner ~~must~~ shall cause the body to be decently interred or cremated; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial or cremation, the expenses are a legal charge against the county pursuant to the provisions of section 31-3412, Idaho Code.

SECTION 2. That Section 31-3412, Idaho Code, be, and the same is hereby amended to read as follows:

31-3412. INDIGENT BURIAL OR CREMATION. It shall be the duty of the board to provide for burial or cremation of any deceased indigent person. The amount paid by the obligated county shall not in any case exceed the established or negotiated rate set by each board. If the coroner, mortician or other responsible parties are unable to establish next of kin or other resources, they may make application to the board. Application must be made prior to services rendered and pursuant to terms of negotiated agreement. The county shall be free from any liability for said burial or cremation.

SECTION 3. That Section 54-1143, Idaho Code, be, and the same is hereby amended to read as follows:

54-1143. RIGHT TO RELY. (1) Any person signing a funeral service agreement or cremation authorization form or any other authorization for disposition, whether part of a prearranged funeral plan or at time of death, shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the deceased whose remains are sought to be buried or cremated and the signer's authority to order such disposition.

(2) A funeral establishment, cemetery or crematory establishment shall have the right to rely on such authorization and shall have authority to dispose of human remains upon the receipt of an authorization form signed by

1 the decedent or by the person having the right to control disposition as set
2 forth in section 54-1142, Idaho Code, or upon authorization by the county
3 coroner pursuant to section 31-2802, Idaho Code. There shall be no liability
4 of a funeral establishment, cemetery or crematory establishment that dis-
5 poses of human remains pursuant to such authorization, or that releases or
6 disposes of the remains pursuant to such authorization.

7 SECTION 4. That Section 14-107, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 14-107. ~~OFFICERS~~ OFFICIALS TO NOTIFY ADMINISTRATOR OF DECEDENT'S
10 PROPERTY. All public officials ~~must~~ shall, within forty-eight (48) hours of
11 knowledge of a death, inform the public administrator of and make available
12 to him all property known to them, belonging to a decedent who resided at
13 the time of death in the county, which is liable to loss, injury or waste, or
14 which, by reason thereof, ought to be in the possession of the public admin-
15 istrator. The public administrator shall be responsible for determining if
16 any heirs or a will exists ~~and shall make burial arrangements~~ in all cases
17 where there are no known personal representatives.