

House Bill 1645

By: Representatives Bannister of the 70th, Post 1, Cooper of the 30th, Murphy of the 14th, Post 2, and Knox of the 14th, Post 1

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 72 of Title 36 of the Official Code of Georgia Annotated, relating to
2 abandoned cemeteries and burial grounds, so as to provide for procedures for the removal
3 of isolated abandoned burial plots over 100 years in age; to define a certain term; to provide
4 for an archeological survey; to provide for a genealogical search for heirs; to provide for
5 notice to all known heirs of the deceased; to provide for the removal of remains and burial
6 objects; to provide for records of the removal; to provide for the transfer of such records to
7 subsequent purchasers of the property; to provide for matters relative to the foregoing; to
8 repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Chapter 72 of Title 36 of the Official Code of Georgia Annotated, relating to abandoned
12 cemeteries and burial grounds, is amended by inserting at the end thereof the following:
13 "36-72-17.

14 (a) As used in this Code section, the term 'abandoned isolated burial plot' means a burial
15 plot containing not more than two interments over 100 years in age located on private
16 property isolated from any cemetery or burial ground and with no signs of recent upkeep
17 as a recognized burial plot.

18 (b) Notwithstanding any other provision of this chapter to the contrary, the owner of
19 property upon which an abandoned isolated burial plot is located may remove the same by
20 complying with the provisions of this Code section.

21 (c) Any property owner wishing to remove an abandoned isolated burial plot shall have
22 the area surveyed by an archeologist. If the archeologist certifies that the burial plot
23 contains no more than two interments and is over 100 years in age, the property owner shall
24 engage a genealogist to locate all living heirs of the persons interred in the plot. The
25 property owner shall notify each living heir so identified of the discovery of the plot and
26 of his or her intention to remove the remains. Such notice shall include the proposed

1 location of the new burial site and the approximate date of the removal, which shall be not
2 sooner than 30 days following the time the notice was received, and the right of the heirs
3 to object to the removal and the address to which the objection must be addressed. If a
4 majority of the heirs consent to the removal in writing, the removal may take place at any
5 time. If, 30 days after the date upon which all heirs have received the notice, a majority of
6 the heirs have not objected to the removal, the removal may take place as provided in
7 subsection (d) of this Code section. If the genealogist certifies that there are no living heirs,
8 or that no living heirs can be found after reasonable diligence has been made, the removal
9 make take place as provided in subsection (d) of this Code section.

10 (d) The removal of remains from an abandoned isolated burial plot authorized by this Code
11 section shall be accomplished at the expense of the owner of the property upon which the
12 plot is located. The remains may be removed only by an archeologist and only to an
13 established cemetery. All burial objects shall accompany the remains. If the accompanying
14 burial objects do not sufficiently identify the deceased, a new marker shall be erected
15 providing, if known, the name of the deceased, the dates of birth and death, the fact of the
16 removal, and the date of the removal.

17 (e) A person accomplishing the removal of an abandoned isolated burial plot under this
18 Code section shall maintain all required documentation for at least ten years and shall
19 transfer such documentation with complete disclosure to a subsequent purchaser of the
20 property. Each subsequent owner of such property shall transfer such documentation with
21 complete disclosure to each subsequent purchaser of the property until ten years have
22 elapsed after the time of the removal."

23

SECTION 2.

24 All laws and parts of laws in conflict with this Act are repealed.