

House Bill 1386

By: Representative Jenkins of the 8th

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 legislative findings; to define
3 certain terms; to provide that counties and municipal corporations shall provide access to
4 certain family burial plots to surviving family members; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 72 of Title 36 of the Official Code of Georgia Annotated, relating to abandoned
9 cemeteries and burial grounds, is amended by designating the existing Code sections of such
10 chapter as "Article 1" and by inserting at the end of such chapter a new article to read as
11 follows:

12 **"ARTICLE 2**

13 36-72-30.

14 The General Assembly finds that as development continues to swallow our state, an
15 increasing number of small, family burial grounds are becoming isolated plots within large
16 tracts held by unfeeling individual and corporate interests who deny access to family
17 members who wish to maintain the last resting place of their forebears. This callous
18 disregard for Georgia's past and for traditional family and religious values cries out for a
19 response.

20 36-72-31.

21 As used in this article, the term:

1 (1) 'Family burial ground' means a defined plot of land upon which are located not more
2 than 20 graves and for which no individual or corporate entity has legal responsibility for
3 maintenance.

4 (2) 'Landlocked family burial ground' means a family burial ground which is surrounded
5 by private property to which no public access is available.

6 36-72-32.

7 Upon the petition of any person, a county or municipal corporation shall secure a right of
8 access to a landlocked family burial ground for the sole purpose of ingress and egress of
9 persons maintaining such family burial ground. To accomplish the purposes of this article,
10 the governing authority of the county or municipal corporation shall use all legal means at
11 its disposal, including but not limited to the right of eminent domain."

12 **SECTION 2.**

13 All laws and parts of laws in conflict with this Act are repealed.