

1 AMENDMENT TO HOUSE BILL 2572

2 AMENDMENT NO. _____. Amend House Bill 2572 on page 1,
3 line 5, after "Section 16", by inserting "and by adding
4 Section 14.5"; and

5 on page 1, after line 5, by inserting the following:

6 "(765 ILCS 835/14.5 new)

7 Sec. 14.5. Correction of encroachment on interment,
8 entombment, or inurnment rights.

9 (a) Whenever a cemetery becomes aware that there is an
10 encroachment on or in the lawful interment, inurnment, or
11 entombment rights of another, and when the cemetery buried or
12 placed or permitted the burial or placement of the
13 encroaching item in or on these rights, the cemetery may
14 correct the encroachment in accordance with this Section.
15 This Section shall not apply to, or be utilized in connection
16 with, any eminent domain, quick-take, or other condemnation
17 proceeding that is designed to relocate a cemetery or portion
18 thereof to another location.

19 (b) When the encroaching item is a marker, monument or
20 memorial that should be placed on or in another interment,
21 inurnment, or entombment right located within the cemetery,
22 or when the item is the foundation or base for any of the

1 foregoing, the cemetery may with reasonable promptness, and
2 without being required to obtain any permit, relocate the
3 item to its proper place. Notice of the corrective action
4 shall be given no later than 30 days following the correction
5 in accordance with subsection (d) of this Section.

6 (c) When the encroaching item is a vault, casket, urn,
7 outer burial container, or human remains that should be
8 placed in or on another interment, inurnment, or entombment
9 right located within the cemetery, the cemetery may with
10 reasonable promptness, and without being required to obtain
11 any permit, relocate the item to its proper place. Except as
12 otherwise provided in this subsection, notice of the
13 corrective action shall be given no later than 30 days prior
14 to the correction in accordance with subsection (d) of this
15 Section. When the involved encroachment would, if uncorrected
16 within 30 days, interfere with a scheduled interment,
17 inurnment, or entombment, then the notice shall be given in
18 accordance with subsection (d) of this Section with as much
19 advance notice as reasonably possible or, if advance notice
20 is not reasonably possible, no later than 30 days following
21 the correction. In the event the correction is to occur in a
22 religious cemetery that, for religious reasons, maintains
23 rules that preclude advance notice of corrections, the notice
24 shall occur no later than 30 days following the correction.

25 (d) Notice under this Section shall be by certified mail
26 or other delivery method that has a confirmation procedure,
27 in 12-point type, to the owner of any affected interment,
28 inurnment, or entombment right or, when the owner is
29 deceased, to the surviving spouse of the deceased, or if
30 none, any surviving children of the deceased, or if no
31 surviving spouse or children, a parent, brother, or sister of
32 the deceased, or, if failing all of the above, any other
33 listed heir of the deceased in the cemetery records. In
34 providing notice, the cemetery authority shall exercise due

1 diligence to engage in a reasonable search of available
2 funeral home of record or cemetery records to obtain the
3 current address of the party to be notified. The notice shall
4 provide a clear statement of the correction taken or to be
5 taken, together with the reasons for the correction, and
6 shall outline a simple process for the notified person to
7 obtain additional information regarding the correction from
8 the cemetery. When advance notice is required, the notice
9 shall inform the notified party of his or her right to be
10 present for any reinterment, reinurnment, or reentombment, as
11 well as his or her option to object by obtaining an
12 injunction enjoining the contemplated correction. The
13 cemetery shall maintain for no less than 5 years a record of
14 any notice provided under this Section.

15 (e) Nothing in this Section shall make a cemetery
16 financially responsible for the correction of encroachments
17 that are directly or indirectly caused by the owner of an
18 interment, inurnment, or entombment right or by his or her
19 heirs or by an act of God, war, or vandalism. The cemetery
20 shall be financially responsible for the correction of all
21 other encroachments covered by this Section.

22 (f) Nothing in this Section shall be construed to limit
23 the liability of any party."