



Rep. Charles E. Meier

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LRB098 18671 HEP 56161 a

1 AMENDMENT TO HOUSE BILL 5625

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5625 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Access to Landlocked Graves on Private Property Act.

6 Section 5. Definition. As used in this Act, "landlocked  
7 grave" means a private burying ground which is completely  
8 surrounded by privately owned land and for which no public  
9 ingress or egress is available.

10 Section 10. Access to landlocked graves located on private  
11 property.

12 (a) Owners of private property on which a landlocked grave  
13 is located have a duty to allow ingress and egress to the  
14 landlocked grave by:

15 (1) family members and descendants of deceased persons

1 buried there;

2 (2) any landlocked grave plot owner; and

3 (3) any person engaging in genealogy research who has  
4 given reasonable notice to the owner of record or to the  
5 occupant of the property or both.

6 A landowner may not erect a wall, fence, or other structure  
7 or device that prevents ingress and egress to the landlocked  
8 grave unless the wall, fence, or other structure or device has  
9 a gate or other means by which ingress and egress can be  
10 accomplished by persons specified in this Section. The  
11 landowner may designate the frequency of the access, the hours  
12 and duration of the access, and the access route if no  
13 traditional access route is obviously visible by a view of the  
14 property. The landowner, in the absence of gross negligence or  
15 willful misconduct, is immune from liability in any civil suit,  
16 claim, action, or cause of action arising out of the access  
17 granted pursuant to this Section.

18 (b) The right of ingress and egress granted to persons  
19 specified in subsection (a) of this Section shall be reasonable  
20 and limited to the purposes of visiting landlocked graves,  
21 maintaining the landlocked grave, or conducting genealogy  
22 research. The right of ingress and egress may not be construed  
23 to provide a right to operate motor vehicles on the property  
24 for the purpose of accessing a landlocked grave unless there is  
25 a road or adequate right-of-way that permits access by a motor  
26 vehicle and the owner has given written permission to use the

1 road or right-of-way of necessity.

2 (c) Any person entering onto private property to access a  
3 landlocked grave is responsible for conducting himself or  
4 herself in a manner that does not damage the private lands or  
5 the landlocked grave and is liable to the owner of the property  
6 for any damage caused as a result of his or her access.

7 Section 15. Injunctive relief. Any person denied  
8 reasonable access under the provisions of this Act may bring an  
9 action in the circuit court where the property is located to  
10 enjoin the owner of the property from denying the person  
11 reasonable ingress and egress to the landlocked grave. In  
12 granting relief, the court may:

13 (1) set the frequency of the access and the hours and  
14 duration of the access; and

15 (2) award reasonable attorney's fees and costs to the  
16 person denied access.

17 Section 20. Applicability. This Act does not apply to any  
18 deed or other written instrument that creates or reserves a  
19 landlocked grave on private property."