

CHAPTER 232
FORMERLY
HOUSE BILL NO. 222
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO ELIGIBILITY FOR BURIAL IN THE DELAWARE VETERANS MEMORIAL CEMETERY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1204, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1204. Eligibility for burial.

~~(a) The following persons shall be eligible for burial in the Cemetery:~~

~~(1) Any veteran or member of the armed forces of the United States (Army, Navy, Air Force, Marine Corps and Coast Guard) who:~~

~~a. Dies under honorable conditions while serving on active duty in an armed force of the United States; or~~

~~b. Served as an active member of the armed forces of the United States whose service was terminated honorably; and is a resident of Delaware at the time of death or had previously been a resident of Delaware for at least 10 years or was a member of the Delaware National Guard or a reserve unit located within Delaware for at least 20 years; provided, the rules promulgated by the Commission shall make provision for waiving the 10 year residency requirement for compelling reasons;~~

~~(2) Any member of the immediate family of a veteran or armed forces member who qualifies for burial, subject to such fees as may be established by the Commission. The Commission shall, by rule, specify members of the immediate family who shall be eligible for burial in the Cemetery;~~

~~(3) This section shall also apply to persons who served honorably as a member of the National Guard or reserve forces of the United States, who at the time of death was entitled to retired pay under Chapter 67 of Title 10 U.S.C. or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age; and provided that the Delaware residency or National Guard or reserve service requirements of paragraph (a)(1)b. of this section are met;~~

~~(4) The bodies of eligible persons previously buried in other locations may be reinterred in the Cemetery upon the request of anyone legally entitled to make such request; provided, that no cost shall be borne by the State other than that which would be incurred in an original burial.~~

(a) Eligibility for interment in the Delaware Veterans Memorial Cemetery is established by the U.S. Department of Veterans Affairs, National Cemetery Administration (NCA Directive 3210) with the following exceptions:

(1) The Veterans Commission of Delaware may impose a residency requirement for interment, except that any person who, for at least 20 years, was a member of the Delaware National Guard or a reserve unit located within Delaware shall not be subject to a residency requirement.

(2) Any person who retired honorably as a member of the National Guard or Reserve forces of the United States shall be eligible.

(3) Any person who served as a Merchant Marine for a minimum period of 2 years between December 7, 1941, and August 15, 1945, shall be eligible.

(b) There shall be no fee charged for any plot and the interment provided to any eligible veteran or member of the armed forces of the United States. The Commission may establish reasonable fees for burial of members of the immediate family of a veteran or armed forces member.

(c) Burial in the Delaware Veterans Memorial Cemetery shall be without regard to race, creed, color, sex or national origin.

~~(d) This section shall also apply to Merchant Marines who qualify as veterans under § 8720 of Title 29.~~

Approved May 11, 2016