

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H4/1/97

A Bill

ACT 1286 OF 1997
SENATE BILL 482

4
5 By: Senator Webb
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7

For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 5-39-212, MAKING IT
10 UNLAWFUL TO BLOCK ACCESS TO CEMETERIES, AND TO AMEND
11 ARKANSAS CODE 14-14-812, REGARDING THE AUTHORITY OF COUNTY
12 JUDGES FOR CEMETERY ROADS, TO ELIMINATE THE NEED FOR
13 COMMERCIAL GRAVE MARKERS TO BE USED WHEN DEFINING A
14 CEMETERY; AND FOR OTHER PURPOSES."

Subtitle

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16
17 "TO ELIMINATE THE NEED FOR COMMERCIAL
18 GRAVE MARKERS TO BE USED WHEN DEFINING A
19 CEMETERY."
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22

23 SECTION 1. Arkansas Code § 5-39-212 is amended to read as follows:

24 "5-39-212. Cemeteries - Access - Debris - Disturbance.

25 (a) It shall be unlawful for any person, firm, corporation,
26 partnership, or association to:

27 (1) Construct any fence on any property in such manner as to
28 enclose any cemetery unless suitable access by automobile to the cemetery is
29 provided by gate or otherwise. The word cemetery, as used in this subsection,
30 is not intended to apply to any private family burial plot which contains
31 fewer than ~~five (5)~~ six (6) commercial grave markers and has not been used for
32 burial purposes for at least twenty-five (25) years and which has not had an
33 access road to the burial plot for at least thirty (30) years. Nothing in this
34 section prohibits the placement of a fence around any cemetery for the purpose
35 of defining boundaries or protection of grave sites;

36 (2) Place any brush, tree tops, rubbish, or other unsightly

1 debris on any cemetery grounds, or to disturb, damage, or carry away any
2 marker in a cemetery.

3 (b) Any person, firm, corporation, partnership, or association
4 violating any of the provisions of this section shall be guilty of a
5 misdemeanor and upon conviction shall be fined in any sum not less than ten
6 dollars (\$10.00) nor more than one hundred dollars (\$100), and every day that
7 the violation shall exist shall be a separate offense.

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9 SECTION 2. Arkansas Code § 14-14-812 is amended to read as follows:

10 "14-14-812. Cemetery access roads.

11 (a) A cemetery, as used in this section, means any burying place for
12 the dead, a burial plot, a graveyard, or any land, public or private,
13 dedicated and used for the interment of human remains which includes at least
14 ~~five (5)~~ six (6) ~~commercial~~ grave markers.

15 (b)(1) The county judges of the several county governments in Arkansas
16 shall be authorized to improve and maintain any roads across public or private
17 lands used or to be used for access to a cemetery.

18 (2) The cemetery access roads shall be constructed to a standard
19 and nature to permit their use by automobiles."

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21 SECTION 3. All provisions of this act of general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 4. If any provisions of this act or the application thereof to
26 any person or circumstance is held invalid, the invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provisions or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 5. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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34 /s/Sen. Webb

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36 APPROVED: 4-09-97