

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

As Engrossed: H4/1/97

# A Bill

SENATE BILL 482

4  
5 By: Senator Webb

## For An Act To Be Entitled

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

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.

8

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."

20

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.

24

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.

30

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32 hereby repealed.

33

34 /s/Sen. Webb

35