



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5625

Introduced 2/14/2014, by Rep. Charles E. Meier

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Access to Cemeteries on Private Property Act. Provides that owners of private property on which a cemetery or graves are located have a duty to allow ingress and egress to the cemetery or graves by: (1) family members and descendants of deceased persons buried there; (2) any cemetery plot owner; and (3) any person engaging in genealogy research who has given reasonable notice to the owner of record or to the occupant of the property or both. Provides that a landowner may not erect a wall, fence, or other structure or device that prevents ingress and egress to the cemetery or grave unless the wall, fence, or other structure or device has a gate or other means by which ingress and egress can be accomplished. Provides that the landowner may designate the frequency of the access, the hours and duration of the access, and the access route if no traditional access route is obviously visible by a view of the property. Provides that the landowner, in the absence of gross negligence or willful misconduct, is immune from liability in any civil suit, claim, action, or cause of action arising out of the access granted. Provides that any person entering onto private property to access a gravesite or cemetery is responsible for conducting himself or herself in a manner that does not damage the private lands, the cemetery, or the gravesites and is liable to the owner of the property for any damage caused as a result of his or her access. Provides that a person denied reasonable access may bring an action in the circuit court where the property is located to enjoin the owner of the property from denying the person reasonable ingress and egress to the cemetery or graves. Provides that in granting relief, the court may: (i) set the frequency of the access and the hours and duration of the access; and (ii) award reasonable attorney's fees and costs to the person denied access. Provides that the Act does not apply to any deed or other written instrument that creates or reserves a cemetery or gravesite on private property.

LRB098 18671 HEP 53814 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 Section 5. Access to cemeteries located on private  
7 property.

8 (a) Owners of private property on which a cemetery or  
9 graves are located have a duty to allow ingress and egress to  
10 the cemetery or graves by:

11 (1) family members and descendants of deceased persons  
12 buried there;

13 (2) any cemetery plot owner; and

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

17 A landowner may not erect a wall, fence, or other structure  
18 or device that prevents ingress and egress to the cemetery or  
19 graves unless the wall, fence, or other structure or device has  
20 a gate or other means by which ingress and egress can be  
21 accomplished by persons specified in this Section. The  
22 landowner may designate the frequency of the access, the hours  
23 and duration of the access, and the access route if no

1 traditional access route is obviously visible by a view of the  
2 property. The landowner, in the absence of gross negligence or  
3 willful misconduct, is immune from liability in any civil suit,  
4 claim, action, or cause of action arising out of the access  
5 granted pursuant to this Section.

6 (b) The right of ingress and egress granted to persons  
7 specified in subsection (a) of this Section shall be reasonable  
8 and limited to the purposes of visiting graves, maintaining the  
9 gravesite or cemetery, or conducting genealogy research. The  
10 right of ingress and egress may not be construed to provide a  
11 right to operate motor vehicles on the property for the purpose  
12 of accessing a cemetery or gravesite unless there is a road or  
13 adequate right-of-way that permits access by a motor vehicle  
14 and the owner has given written permission to use the road or  
15 right-of-way of necessity.

16 (c) Any person entering onto private property to access a  
17 gravesite or cemetery is responsible for conducting himself or  
18 herself in a manner that does not damage the private lands, the  
19 cemetery, or the gravesites and is liable to the owner of the  
20 property for any damage caused as a result of his or her  
21 access.

22 Section 10. Injunctive relief. Any person denied  
23 reasonable access under the provisions of this Act may bring an  
24 action in the circuit court where the property is located to  
25 enjoin the owner of the property from denying the person

1 reasonable ingress and egress to the cemetery or graves. In  
2 granting relief, the court may:

3 (1) set the frequency of the access and the hours and  
4 duration of the access; and

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

7 Section 15. Applicability. This Act does not apply to any  
8 deed or other written instrument that creates or reserves a  
9 cemetery or gravesite on private property.