



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Donald L. Moffitt

**SYNOPSIS AS INTRODUCED:**

760 ILCS 100/2a

from Ch. 21, par. 64.2a

Amends the Cemetery Care Act. Provides that a cemetery authority owning, operating, controlling, or managing a privately or publicly operated cemetery (instead of only a privately operated cemetery) shall provide access to the cemetery under the cemetery authority's reasonable rules and regulations.

LRB093 18694 LCB 44422 b

1 AN ACT concerning cemeteries.

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

4 Section 5. The Cemetery Care Act is amended by changing  
5 Section 2a as follows:

6 (760 ILCS 100/2a) (from Ch. 21, par. 64.2a)

7 Sec. 2a. Powers and duties of cemetery authorities;  
8 cemetery property maintained by cemetery care funds.

9 (a) With respect to cemetery property maintained by  
10 cemetery care funds, a cemetery authority shall be responsible  
11 for the performance of:

12 (1) the care and maintenance of the cemetery property  
13 it owns; and

14 (2) the opening and closing of all graves, crypts, or  
15 niches for human remains in any cemetery property it owns.

16 (b) A cemetery authority owning, operating, controlling or  
17 managing a privately operated cemetery shall make available for  
18 inspection, and upon reasonable request provide a copy of, its  
19 rules and regulations and its current prices of interment,  
20 inurnment, or entombment rights.

21 (c) A cemetery authority owning, operating, controlling or  
22 managing a privately operated cemetery may, from time to time  
23 as land in its cemetery may be required for burial purposes,  
24 survey and subdivide those lands and make and file in its  
25 office a map thereof delineating the lots or plots, avenues,  
26 paths, alleys, and walks and their respective designations. The  
27 cemetery authority shall open the map to public inspection. The  
28 cemetery authority may make available a copy of the overall map  
29 upon written request and payment of reasonable photocopy fees.  
30 Any unsold lots, plots or parts thereof, in which there are not  
31 human remains, may be resurveyed and altered in shape or size,  
32 and properly designated on such map. Nothing contained in this

1 subsection, however, shall prevent the cemetery authority from  
2 enlarging an interment right by selling to the owner thereof  
3 the excess space next to such interment right and permitting  
4 interments therein, provided reasonable access to such  
5 interment right and to adjoining interment rights is not  
6 thereby eliminated. The Comptroller may waive any or all of the  
7 requirements of this subsection (c) for good cause shown.

8 (d) A cemetery authority owning, operating, controlling,  
9 or managing a privately operated cemetery shall keep a record  
10 of every interment, entombment, and inurnment in the cemetery.  
11 The record shall include the deceased's name, age, and date of  
12 burial, when these particulars can be conveniently obtained,  
13 and the lot, plot, or section where the human remains are  
14 interred, entombed, or inurned. The record shall be open to  
15 public inspection consistent with State and federal law. The  
16 cemetery authority shall make available, consistent with State  
17 and federal law, a true copy of the record upon written request  
18 and payment of reasonable copy costs.

19 (e) A cemetery authority owning, operating, controlling,  
20 or managing a privately or publicly operated cemetery shall  
21 provide access to the cemetery under the cemetery authority's  
22 reasonable rules and regulations.

23 (Source: P.A. 92-419, eff. 1-1-02.)