

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2745

1 AN ACT TO AMEND SECTION 41-39-5, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE AUTHORITY OF THE CORONER TO DISPOSE OF A PAUPER'S  
3 REMAINS; TO BRING FORWARD SECTION 43-31-31, MISSISSIPPI CODE OF  
4 1972, TO CONFORM; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 41-39-5, Mississippi Code of 1972, is  
7 amended as follows:

8 41-39-5. Any physician, hospital, funeral director,  
9 embalmer, coroner or other person acquiring possession of a dead  
10 human body or portion thereof which is not claimed for burial or  
11 cremation within forty-eight (48) hours of its acquisition shall  
12 give written notice thereof to the board of supervisors, or a  
13 member thereof, of the county in which the dead body or portion  
14 thereof is located, furnishing such identification of the decedent  
15 as may be available. The board of supervisors shall make  
16 reasonable efforts to notify members of the decedent's family or  
17 other known interested persons, and, if the dead body or portion  
18 thereof shall not be claimed for burial or cremation by any  
19 interested person within five (5) days of the aforementioned  
20 written notice, the board of supervisors shall, as soon as it may  
21 think appropriate, authorize and direct the burial or cremation  
22 and burial of the residue of such dead body or portion thereof.  
23 In its discretion and where otherwise permitted to do so by law,  
24 the board of supervisors may direct the disposition of the dead  
25 body or portion thereof as provided by Section 41-39-7. The  
26 reasonable expense of such burial or cremation and burial of the  
27 residue of a dead body shall be borne by the estate of the  
28 decedent or of any person liable at law for the necessities of the



29 decedent during his lifetime or, if they are unable to pay the  
30 same, by the county of residence or settlement of the decedent, if  
31 known, and, if not known, by the county in which the dead body or  
32 portion thereof is located.

33 If the person having possession of such dead human body or  
34 portion thereof shall have no available means of preserving the  
35 same and shall so notify the board of supervisors, or a member  
36 thereof, of the county in which the dead body or portion thereof  
37 is located, it shall be the duty of the board of supervisors to  
38 make arrangements for the preservation of the same until burial or  
39 cremation and burial of the residue of the dead body as  
40 hereinabove provided, and the expense of such preservation shall  
41 be borne as hereinabove provided with respect to the expense of  
42 burial or cremation.

43 If the remains are cremated, the person disposing of the  
44 remains is not required to retain the ashes more than six (6)  
45 months from the cremation, after which the ashes may be suitably  
46 dispersed in a natural area.

47 **SECTION 2.** Section 43-31-31, Mississippi Code of 1972, is  
48 brought forward as follows:

49 43-31-31. The municipal authorities of every city, town, and  
50 village shall bury all strangers found dead within their limits,  
51 or found floating in any waters at a point adjoining their limits,  
52 and all expenses or charges shall be chargeable to the county; and  
53 an accurate account thereof shall be reported to the board of  
54 supervisors, who shall allow the same, and order it to be paid out  
55 of the county treasury; but the boards of supervisors may fix  
56 maximum charges for such burials.

57 **SECTION 3.** This act shall take effect and be in force from  
58 and after July 1, 2003.

