

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1471 Session of 2017

INTRODUCED BY CHRISTIANA, COX, DRISCOLL, JAMES, MENTZER, MURT, SACCONI, SOLOMON, QUIGLEY, GILLEN AND MARSHALL, MAY 31, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 25, 2018

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," in special powers and
5 duties of the county, further providing for flags to decorate
6 graves.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2122 of the act of July 28, 1953
10 (P.L.723, No.230), known as the Second Class County Code, is
11 amended to read:

12 Section 2122. Flags to Decorate Graves.--[(a) It shall be <--
13 the duty of the county commissioners to provide flags on each
14 Memorial Day with which to decorate the graves of all deceased
15 service persons and the graves of all other deceased persons who
16 served in the Army, Navy, Air Force, Marine Corps, Coast Guard,
17 Merchant Marine during World War II or any organization
18 officially connected therewith and whose separation from such
19 service was honorable, whether by discharge or otherwise, buried

1 within the county. The flags to be used for said purposes shall
2 be of one standard size, and shall be purchased at the expense
3 of the county from moneys in the county treasury. ~~The flags~~ <--
4 ~~shall be provided in accordance with the following:~~

5 ~~(1) The authorities in charge of any cemetery are authorized~~
6 ~~to remove such flags, when the same become unsightly or weather~~
7 ~~worn, at any time not less than thirty days after the flags have~~
8 ~~been placed on graves along with notification to the respective~~
9 ~~county director of veterans' affairs for a replacement flag.~~

10 ~~(2) A family member of a person whose grave is decorated~~
11 ~~with a flag for the purpose of Memorial Day by the county is~~
12 ~~granted permission to take and keep the flag after the first~~
13 ~~working day after the Fourth of July. A cemetery shall contact~~
14 ~~the county no less than thirty days after taking down the flags~~
15 ~~annually for collection by the county.~~

16 ~~(3) In addition to the powers and duties granted to local~~
17 ~~code enforcement officers, a local code enforcement officer may~~
18 ~~inspect local cemeteries for violations of this section and~~
19 ~~report any violation to a county director of veterans' affairs.~~

20 ~~(4) Counties may coordinate with local veterans' service~~
21 ~~organizations to ensure that cemeteries are in compliance with~~
22 ~~the provisions of this section.~~

23 (b) Such flags shall be furnished to the various veterans'
24 organizations in such numbers as they shall require for their
25 respective communities.

26 (c) The moneys expended by any county under the provisions
27 of this section shall be in addition to moneys appropriated by
28 the county for Memorial Day purposes.

29 †(d) The authorities in charge of any cemetery are <--
30 authorized to remove such flags when the same become unsightly

1 or weatherworn at any time not less than ninety days after the
2 flags have been placed on graves.] (A) IT SHALL BE THE DUTY OF <--
3 THE COUNTY COMMISSIONERS TO PROVIDE FLAGS ON EACH MEMORIAL DAY
4 WITH WHICH TO DECORATE EACH GRAVE OF A DECEASED SERVICE PERSON
5 AND EACH GRAVE OF OTHER DECEASED PERSONS WHO SERVED IN THE ARMY,
6 NAVY, AIR FORCE, MARINE CORPS, COAST GUARD OR MERCHANT MARINE
7 DURING WORLD WAR II OR ANY ORGANIZATION OFFICIALLY CONNECTED TO
8 THOSE FORCES, WHOSE SEPARATION FROM SERVICE WAS HONORABLE,
9 WHETHER BY DISCHARGE OR OTHERWISE, AND WHO ARE INTERRED WITHIN
10 THE COUNTY. THE FLAGS TO BE USED SHALL BE STANDARD SIZE,
11 COLORFAST AND AMERICAN MADE AND SHALL BE PURCHASED AT THE
12 EXPENSE OF THE COUNTY FROM MONEY IN THE COUNTY TREASURY.

13 (B) A FAMILY MEMBER OF A PERSON WHOSE GRAVE IS DECORATED
14 WITH A FLAG BY THE COUNTY FOR THE PURPOSE OF MEMORIAL DAY MAY
15 TAKE AND KEEP THE FLAG AFTER THE FIRST WORKING DAY AFTER
16 VETERANS' DAY.

17 (C) THE COUNTY MAY COORDINATE WITH LOCAL VETERANS'
18 ORGANIZATIONS TO ENSURE THAT CEMETERIES ARE DECORATED IN
19 COMPLIANCE WITH THIS SECTION. FLAGS SHALL BE FURNISHED TO THE
20 VARIOUS VETERANS' ORGANIZATIONS IN AN AMOUNT NEEDED FOR THE
21 RESPECTIVE COMMUNITIES. NOTWITHSTANDING SUBSECTION (A), A
22 CEMETERY MAY REMOVE FLAGS AS PART OF THE CEMETERY'S NORMAL
23 COURSE OF MAINTENANCE NOT BEFORE THE FIRST WORKING DAY AFTER
24 INDEPENDENCE DAY, BUT PRIOR TO VETERANS' DAY, PROVIDED THAT THE
25 CEMETERY MAKES THE FLAGS AVAILABLE TO FAMILY MEMBERS, VETERANS'
26 ORGANIZATIONS OR OTHER COMMUNITY ORGANIZATIONS FOR THE PURPOSE
27 OF DECORATING GRAVES IN RECOGNITION OF VETERANS' DAY.

28 (D) MONEY EXPENDED BY THE COUNTY UNDER THIS SECTION SHALL BE
29 IN ADDITION TO MONEY APPROPRIATED BY THE COUNTY FOR MEMORIAL DAY
30 PURPOSES.

1 (E) ANNUALLY, THE AUTHORITY IN CHARGE OF EACH CEMETERY IS
2 AUTHORIZED TO REMOVE A FLAG WHEN THE FLAG HAS BECOME UNSIGHTLY
3 OR WEATHERWORN ANY TIME ON OR AFTER THE FIRST WORKING DAY AFTER
4 VETERANS' DAY. PRIOR TO VETERANS' DAY, A CEMETERY MAY REQUEST
5 REPLACEMENT FLAGS FROM THE COUNTY WHICH MAY BE USED BY THE
6 CEMETERY TO REPLACE WEATHERWORN FLAGS, IF REPLACEMENT FLAGS ARE
7 AVAILABLE.

8 (F) A CEMETERY MAY REMOVE FLAG HOLDERS FOR ANNUAL STORAGE
9 UPON THE AUTHORIZED REMOVAL OF FLAGS UNDER SUBSECTIONS (C) AND
10 (E).

11 (G) EXCEPT AS PROVIDED FOR UNDER THIS SECTION, A PERSON,
12 OTHER THAN A FAMILY MEMBER REMOVING THE FLAG FROM A DECEASED
13 RELATIVE'S GRAVE, WHO REMOVES OR CAUSES THE REMOVAL OF FLAGS
14 PRIOR TO THE FIRST WORKING DAY AFTER INDEPENDENCE DAY SHALL BE
15 GUILTY OF A SUMMARY OFFENSE AND, UPON CONVICTION, SHALL BE
16 SENTENCED TO PAY A FINE OF THREE HUNDRED DOLLARS (\$300). A
17 PERSON WHO FAILS TO PAY A FINE ASSESSED PURSUANT TO THIS SECTION
18 SHALL BE SENTENCED TO PRISON FOR A TERM NOT TO EXCEED NINETY
19 DAYS.

20 (H) A CEMETERY OR AN OWNER, EMPLOYEE, AGENT OR CONTRACTOR OF
21 A CEMETERY WHO REMOVES OR CAUSES THE REMOVAL OF A FLAG, GRAVE
22 MARKER, HEADSTONE, FLAG HOLDER OR OTHER MEMORIAL IN GOOD FAITH
23 IN THE COURSE OF MAINTENANCE, REPAIR OR MITIGATION OF DAMAGE
24 SHALL NOT BE SUBJECT TO SUBSECTION (G) OR SECTION 2113(K)(1).

25 Section 2. This act shall take effect in 60 days.