



Sen. David S. Luechtefeld

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LRB099 09701 HEP 32698 a

1 AMENDMENT TO SENATE BILL 1275

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1275 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Access with landowner's consent.

7 (a) Any of the following persons, with the consent of the  
8 public or private landowner, may enter the property of another  
9 to discover, restore, maintain, or visit a grave, private  
10 cemetery, or abandoned cemetery:

11 (1) A descendant of the person whose remains are  
12 reasonably believed to be interred in the grave, private  
13 cemetery, or abandoned cemetery.

14 (2) A descendant's designee.

15 (3) Any other person who has a special personal  
16 interest in the grave, private cemetery, or abandoned

1 cemetery.

2 (b) The landowner, in the absence of willful and wanton  
3 conduct, is immune from liability in any civil suit, claim,  
4 action, or cause of action arising out of the access granted  
5 pursuant to this Section.

6 Section 10. Access without landowner's consent.

7 (a) If the consent of the landowner cannot be obtained, any  
8 person listed in subsection (a) of Section 5 of this Act may  
9 file a petition in the circuit court of the county in which the  
10 petitioner has reasonable grounds to believe the grave, private  
11 cemetery, or abandoned cemetery is located for an order  
12 allowing the petitioner to enter the property to discover,  
13 restore, maintain, or visit the grave, private cemetery, or  
14 abandoned cemetery. The petition shall be verified. The  
15 proceedings shall be conducted in accordance with Article II of  
16 the Code of Civil Procedure. The court shall issue an order  
17 allowing the petitioner to enter the property if the court  
18 finds all of the following:

19 (1) There are reasonable grounds to believe that the  
20 grave, private cemetery, or abandoned cemetery is located  
21 on the property or it is reasonably necessary to enter or  
22 cross the landowner's property to reach the grave, private  
23 cemetery, or abandoned cemetery.

24 (2) The petitioner, or the petitioner's designee, is a  
25 descendant of the deceased, or the petitioner has a

1 legitimate historical, genealogical, or governmental  
2 interest in the grave, private cemetery, or abandoned  
3 cemetery.

4 (3) The entry on the property would not unreasonably  
5 interfere with the enjoyment of the property by the  
6 landowner.

7 (b) The court's order may do one or more of the following:

8 (1) Specify the dates and the daylight hours that the  
9 petitioner may enter and remain on the property.

10 (2) Grant the petitioner the right to enter the  
11 landowner's property periodically, as specified in the  
12 order, after the time needed for initial restoration of the  
13 grave, private cemetery, or abandoned cemetery.

14 (3) Specify a reasonable route from which the  
15 petitioner may not deviate in all entries and exits from  
16 the property.

17 (c) The court's order may not require the landowner to make  
18 modifications to his or her property in order to accommodate  
19 access to the grave, private cemetery, or abandoned cemetery.

20 (d) The landowner, in the absence of willful and wanton  
21 conduct, is immune from liability in any civil suit, claim,  
22 action, or cause of action arising out of the access granted  
23 pursuant to this Section."