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S.275

Introduced by Senators Weeks, Collamore and Williams

Referred to Committee on

Date:

Subject: Cemeteries; vandalism; grant; fee

Statement of purpose of bill as introduced: This bill proposes to create the Cemetery Vandalism Response Fund to assist in the repair of Vermont cemeteries that have been vandalized.

An act relating to creation of the Cemetery Vandalism Response Fund

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5302 is amended to read:

§ 5302. DEFINITIONS

As used in this chapter and unless otherwise required by the context:

(1) “Agencies” means town cemeteries; religious or ecclesiastical society cemeteries; cemetery associations; and any person, firm, corporation, or unincorporated association engaged in the business of a cemetery.

\* \* \*

(13) “Niche” means a recess in a columbarium used, or intended to be used, for the permanent disposition of human remains of one or more deceased persons.

1           (14) “Qualifying damage” means damage caused by acts of vandalism  
2 that cannot be repaired by means of regular maintenance.

3           (15) “Regular maintenance” means regular upkeep, including mowing  
4 and tree removal.

5           (16) “Temporary receiving vault” means a vault or crypt in a structure  
6 of durable and lasting construction used, or intended to be used, for the  
7 temporary deposit of the remains of a deceased person for a period of time not  
8 exceeding one year.

9           (17) “Vandalism” means the willful or malicious destruction or  
10 defacement of property in a cemetery, such as the toppling of memorial stones  
11 and damage to crypts, niches, grave sites, monuments, or memorials.

12       Sec. 2. 18 V.S.A. § 5324 is added to read:

13       § 5324. CEMETERY VANDALISM RESPONSE GRANTS

14           (a) The Vermont Old Cemetery Association (VOCA) shall provide grants  
15 to an agency to repair vandalized cemeteries.

16           (b) Within 30 days after the discovery of an act of vandalism, as defined in  
17 section 5302 of this title, an agency shall:

18               (1) Report the act to VOCA either verbally or in writing.

19               (2) Provide written notice to the lot owner or next of kin if damage was  
20 done to a crypt, niche, grave site, monument, or memorial. The notice shall  
21 advise the lot owner or next of kin to seek insurance benefits that may be

1 available pursuant to a homeowner's insurance policy. A copy of the notice  
2 shall be maintained by the agency.

3 (c) Within six months after reporting an act of vandalism, the agency may  
4 apply to VOCA for a grant to repair the qualifying damage.

5 (1) The grant application shall include the following:

6 (A) a description of the qualifying damage, photographs of the  
7 qualifying damage, and the date that the report of vandalism was filed with  
8 VOCA;

9 (B) a copy of any letters, newspaper advertisements, or other  
10 documented attempts to obtain funding for the repair from the family of the  
11 deceased;

12 (C) a copy of other reports relating to the act of vandalism filed in  
13 accordance with law;

14 (D) a copy of bids submitted by at least two contractors for the cost  
15 of repairs; and

16 (E) a statement signed by the cemetery commissioner or other proper  
17 officer that the agency has no available funds that it is authorized to use for the  
18 purpose of repair; that it has not been able to obtain sufficient funds from the  
19 family of the deceased, including insurance benefits; and that the proposed  
20 costs of the repairs are fair and reasonable.

1           (2) A VOCA representative shall review the qualifying damage within  
2           90 days after receipt of a complete grant application and make a determination  
3           based on the following factors:

4                   (A) whether there is qualifying damage;

5                   (B) severity of the qualifying damage;

6                   (C) whether the vandalism is part of a wave of vandalism;

7                   (D) emotional distress to visiting families;

8                   (E) appropriateness of prior use of payments from the Cemetery

9           Vandalism Response Fund;

10                   (F) priority of application based upon previous allocations; and

11                   (G) availability of monies within the Cemetery Vandalism Response

12           Fund.

13           (3) Upon approval, the VOCA treasurer shall disburse funds directly to  
14           the appropriate cemetery commissioner or other proper officer. The agency  
15           shall apply all disbursements made by VOCA to the repair of the vandalized  
16           property described in the vandalism grant application. Any funds remaining  
17           after the repairs have been performed must be returned to VOCA for redeposit  
18           to the Cemetery Vandalism Response Fund.

19           (4) Within 90 days after receipt of disbursements, the agency shall make  
20           a final report to VOCA. The final report shall include the repairs made and by  
21           whom, the amount of funds expended, and the amount of funds to be returned

1 to VOCA, if any. If the repairs have not been completed, the reason shall be  
2 explained, and the anticipated date for a subsequent, final report shall be  
3 provided. The report and any additional report shall be sworn by a cemetery  
4 commissioner or other proper officer.

5 Sec. 3. 18 V.S.A. § 5325 is added to read:

6 § 5325. CEMETERY VANDALISM RESPONSE FUND

7 (a) Creation. The Cemetery Vandalism Response Fund is established to  
8 provide grants to agencies to repair vandalized cemeteries. The Fund shall be  
9 administered by the Vermont Old Cemetery Association (VOCA). Monies in  
10 the Fund shall be used solely to provide cemetery vandalism response grants  
11 pursuant to section 5324 of this title.

12 (b) Fees and Collection.

13 (1) Every agency shall contribute \$5.00 to the Cemetery Vandalism  
14 Response Fund for each burial or cremation it performs. A contribution shall  
15 not be collected upon the burial of the remains of a deceased person where a  
16 contribution was collected upon cremation.

17 (2) On or before January 15 of each year, every agency that has  
18 performed a burial or cremation during the preceding calendar year shall  
19 submit a check to VOCA for the total amount collected during the preceding  
20 year toward payment to the Fund. Payment shall be accompanied by a  
21 statement signed by a cemetery commissioner or other proper officer certifying

1 the number of burials and cremations and the amount transmitted. Funds will  
2 be disbursed to VOCA on January 31 of each year.

3 Sec. 4. CEMETERY VANDALISM RESPONSE FUND; INITIAL FEE  
4 COLLECTION

5 The Vermont Old Cemetery Association shall collect initial fees for the  
6 Cemetery Vandalism Response Fund beginning on January 1, 2027, for each  
7 burial or cremation occurring between July 1, 2026, and December 31, 2026.

8 Sec. 5. EFFECTIVE DATE

9 This act shall take effect on July 1, 2026.