

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 202 Session of 2021

INTRODUCED BY O'NEAL, OWLETT, BOBACK, DAVANZO, KINSEY, KAUFFMAN, GLEIM, RYAN, DUNBAR, HOHENSTEIN, MILLARD, ZIMMERMAN, ROTHMAN, CONKLIN, PYLE, DRISCOLL, DAY, WEBSTER, JOZWIAK, SANKEY, MARSHALL, SAINATO AND ROWE, JANUARY 21, 2021

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, JANUARY 21, 2021

AN ACT

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

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

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

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

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

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

10 (d) The authorities in charge of any cemetery are authorized
11 to remove such flags when the same become unsightly or
12 weatherworn at any time not less than ninety days after the
13 flags have been placed on graves.]

14 (a) It shall be the duty of
15 the county commissioners to provide flags on each Memorial Day
16 with which to decorate each grave of a deceased service person
17 and each grave of other deceased persons who served in the Army,
18 Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine
19 during World War II or any organization officially connected to
20 those forces, whose separation from service was honorable,
21 whether by discharge or otherwise, and who are interred within
22 the county. The flags to be used shall be standard size,
23 colorfast and American made and shall be purchased at the
24 expense of the county from money in the county treasury.

25 (b) A family member of a person whose grave is decorated
26 with a flag by the county for the purpose of Memorial Day may
27 take and keep the flag after the first working day after
28 Veterans' Day.

29 (c) The county may coordinate with local veterans'
30 organizations to ensure that cemeteries are decorated in
compliance with this section. Flags shall be furnished to the

1 various veterans' organizations in an amount needed for the
2 respective communities. Notwithstanding subsection (a), a
3 cemetery may remove flags as part of the cemetery's normal
4 course of maintenance not before the first working day after
5 Independence Day, but prior to Veterans' Day, provided that the
6 cemetery makes the flags available to family members, veterans'
7 organizations or other community organizations for the purpose
8 of decorating graves in recognition of Veterans' Day.

9 (d) Money expended by the county under this section shall be
10 in addition to money appropriated by the county for Memorial Day
11 purposes.

12 (e) Annually, the authority in charge of each cemetery is
13 authorized to remove a flag when the flag has become unsightly
14 or weatherworn any time on or after the first working day after
15 Veterans' Day. Prior to Veterans' Day, a cemetery may request
16 replacement flags from the county which may be used by the
17 cemetery to replace weatherworn flags, if replacement flags are
18 available.

19 (f) A cemetery may remove flag holders for annual storage
20 upon the authorized removal of flags under subsections (c) and
21 (e).

22 (g) Except as provided under this section, a person, other
23 than a family member removing the flag from a deceased
24 relative's grave, who removes or causes the removal of flags
25 prior to the first working day after Independence Day shall be
26 guilty of a summary offense and, upon conviction, shall be
27 sentenced to pay a fine of three hundred dollars (\$300). A
28 person who fails to pay a fine assessed under this section shall
29 be sentenced to prison for a term not to exceed ninety days.

30 (h) A cemetery or an owner, employee, agent or contractor of

1 a cemetery who removes or causes the removal of a flag, grave
2 marker, headstone, flag holder or other memorial in good faith
3 in the course of maintenance, repair or mitigation of damage
4 shall not be subject to subsection (g) or section 2113(1).

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