

HOUSE BILL No. 1387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-14-58.5.

Synopsis: Release and sale of cemetery plots. Provides that if a burial space in a cemetery: (1) has remained unused for a period of at least 100 years from the date of sale or last recorded designation or transfer; and (2) has no improvements on the burial space, including the placement of a monument, memorial, or other permanent appurtenance; the person or entity having jurisdiction over the cemetery may terminate the rights and interests of the owner of the burial space if certain conditions are met. Provides that in the case of a cemetery owned by a unit, any funds generated from the resale of a burial space shall be used to maintain the cemetery.

Effective: July 1, 2026.

Clere, Genda

January 8, 2026, read first time and referred to Committee on Commerce, Small Business and Economic Development.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1387

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-14-58.5-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) Subject to this chapter, if**
4 **a burial space in a cemetery that is subject to IC 23-14-41 or any**
5 **other Indiana law:**

6 **(1) has remained unused for a period of at least one hundred**
7 **(100) years from the date of sale or last recorded designation**
8 **or transfer; and**

9 **(2) has no improvements on the burial space, including the**
10 **placement of a monument, memorial, or other permanent**
11 **appurtenance;**

12 **the person or entity having jurisdiction over the cemetery may**
13 **terminate the rights and interests of the owner of the burial space.**

14 **(b) If records regarding the sale, designation, or transfer of a**
15 **burial space have been damaged or destroyed, the requirement in**
16 **subsection (a)(1) is satisfied, if a person or entity having**
17 **jurisdiction over the cemetery reasonably believes that a burial**



space has remained unused for a period of at least one hundred (100) years from the date of sale or last recorded designation or transfer.

(c) If the person or entity having jurisdiction over the cemetery does not have a record that details whether a burial space has been used, before terminating an owner's rights and interests in a burial space under subsection (a), the person or entity shall use an industry accepted method to determine whether human remains are present on the burial space.

(d) After July 1, 2026, a contract for the purchase of a burial space must include notice that the contract is subject to termination as provided in subsection (a).

SECTION 2. IC 23-14-58.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) If the person or entity having jurisdiction over the cemetery:

(1) desires to terminate the rights and interests of the owner of the burial space; and

(2) determines that the conditions specified in section 1.5 of this chapter have been met;

the person or entity shall advertise in a newspaper of general circulation in the county where the cemetery is located seeking the owner's current address and informing the owner of the person or entity's desire to terminate any rights and interests that the owner has in the burial space. If the cemetery has a website or is owned by an entity that has a website, the person or entity shall publish the advertisement on the website.

(b) The advertisement described in subsection (a) shall include the following information:

(1) The name of the owner of the burial space.

(2) The last known address of the owner of the burial space.

(c) If there is no record owner of the burial space, then the advertisement described in subsection (a) shall provide information that identifies the burial space.

(d) If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after placing the advertisement required in subsection (a), the owner's rights and interests in the burial space are terminated.

(e) If the person or entity having jurisdiction over the cemetery has received a response to the advertisement required in subsection (a) that provides an address for the owner of the burial space



1 within sixty (60) days after placing the advertisement, the person
 2 or entity shall send a notice to the address provided notifying the
 3 owner of the intent to terminate the owner's rights and interests in
 4 the burial space. If the person or entity having jurisdiction over the
 5 cemetery has not received a response from the owner of the burial
 6 space within sixty (60) days after sending the notice required by
 7 this subsection, the owner's rights and interests in the burial space
 8 are terminated. The notice required by this subsection shall be sent
 9 by certified mail.

10 SECTION 3. IC 23-14-58.5-3, AS ADDED BY P.L.113-2007,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2026]: Sec. 3. (a) An owner who has received a termination
 13 notice under section 2 of this chapter **or is subject to section 1.5 of**
 14 **this chapter** may inform the person or entity having jurisdiction over
 15 the cemetery of the owner's continued intent to use the burial space. If
 16 the person or entity having jurisdiction over the cemetery has been
 17 informed of the owner's intent, the person or entity having jurisdiction
 18 over the cemetery may not terminate the rights and interests of the
 19 owner of the burial space.

20 (b) An owner who has received a termination notice under section
 21 2 of this chapter **or is subject to section 1.5 of this chapter** may
 22 request the person or entity having jurisdiction over the cemetery to
 23 purchase the burial space for the amount originally paid for the burial
 24 space.

25 SECTION 4. IC 23-14-58.5-6 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2026]: Sec. 6. **In the case of a cemetery**
 28 **owned by a unit (as defined in IC 3-5-9-3), any funds generated**
 29 **from the resale of a burial space under this chapter shall be used**
 30 **exclusively to maintain and improve the cemetery.**

