

## **MARKERS FOR VETERANS' GRAVES**

### **Act 63 of 1915**

AN ACT to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979;—Am. 1988, Act 263, Imd. Eff. July 15, 1988.

*The People of the State of Michigan enact:*

#### **35.831 Flag holders and United States flags for veterans' graves in cemetery belonging to city, village, municipality, or township; petition; expense; purpose.**

Sec. 1. (1) The legislative body of a city, village, municipality, or township in this state, upon the petition of a local, or an affiliate of, a recognized veterans' organization or of 5 eligible voters of the city, village, municipality, or township, shall procure for and furnish to the petitioners, at the expense of the city, village, municipality, or township, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried within the limits of a public or private cemetery located within the city, village, municipality, or township. The requirement to provide a suitable flag holder and United States flag for private cemeteries does not apply in the current fiscal year where an initial request for a suitable flag holder and United States flag exceeds 50 graves within a particular township, but would apply in the following fiscal year at that township.

(2) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915;—CL 1915, 1062;—CL 1929, 936;—CL 1948, 35.831;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979;—Am. 1988, Act 263, Imd. Eff. July 15, 1988;—Am. 2005, Act 26, Imd. Eff. May 23, 2005;—Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007.

#### **35.831a Flag holder and United States flag; procurement by county; expense; purpose.**

Sec. 1a. (1) The legislative body of a county in this state, upon petition of a local, or a local affiliate of, a recognized veterans' organization or of 5 eligible voters of the county, may procure for and furnish to the petitioners, at the expense of the county, a suitable flag holder and United States flag for the grave of each veteran who served in the armed forces of the United States and who is buried in any public or private cemetery located within the limits of the county.

(2) A flag holder and United States flag shall be placed on the grave of a veteran for the purpose of marking and designating the grave for memorial purposes.

**History:** Add. 2005, Act 27, Imd. Eff. May 23, 2005;—Am. 2006, Act 627, Imd. Eff. Jan. 3, 2007.

#### **35.832 Contents of petition.**

Sec. 2. In a petition to the legislative body of a city, village, or township, the petitioners shall set forth the name of the airman, soldier, sailor, and marine whose grave has not been appropriately marked as contemplated in this act, together with the number of the graves at the time of petitioning, and the cemetery where the graves are located.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915;—CL 1915, 1063;—CL 1929, 937;—CL 1948, 35.832;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979.

#### **35.832a United States flags for veterans' graves in privately owned cemetery; request; expense.**

Sec. 2a. (1) A privately owned cemetery, upon the request of a family member of a veteran of the armed forces of the United States who is buried within the cemetery, shall provide a suitable United States flag not larger than 12 inches by 18 inches, at the cemetery's expense, for the grave of the veteran. The cemetery shall be responsible for the cost and maintenance of the United States flag.

(2) A privately owned cemetery shall provide the United States flags required under subsection (1) for placement during Memorial day, the fourth of July, and Veterans day, and may, but shall not be required to, provide the United States flags during any other times of the year.

(3) A request to a privately owned cemetery under this section shall include the location of the grave of the veteran for whom a United States flag is to be provided. The family member who makes the request is

responsible for placing the United States flag on the grave of the veteran, and may supply and use, at his or her own expense, a suitable flag holder. The privately owned cemetery is not responsible for placing the United States flag or flag holder on the grave of the veteran. The privately owned cemetery may remove the flag and flag holder if they are not removed by the family member who made the request.

(4) In the case of a mausoleum or other burial chamber containing the graves of more than 1 veteran, a privately owned cemetery need only supply 1 United States flag for placement at the mausoleum or burial chamber to memorialize all of those veterans' graves.

**History:** Add. 1988, Act 263, Imd. Eff. July 15, 1988.

**35.833 Taking down, destroying, defacing, carrying away, or possessing flag holder or flag as misdemeanor; penalty.**

Sec. 3. A person who willfully takes down, destroys, defaces, or carries away or possesses a flag holder or other design or memorial flag placed at a grave for memorial purposes without authority from the owner of the cemetery or the person causing the flag holder or other design or memorial flag to be placed in the cemetery or at the grave is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$5.00 or more than \$500.00, or both.

**History:** 1915, Act 63, Imd. Eff. Apr. 20, 1915;—CL 1915, 1064;—CL 1929, 938;—CL 1948, 35.833;—Am. 1979, Act 142, Imd. Eff. Nov. 8, 1979;—Am. 1996, Act 281, Imd. Eff. June 17, 1996.

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