

## **BILL ANALYSIS**

H.B. 923  
By: Dutton  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law specifies that if a decedent fails to leave written instructions for the disposal of the decedent's remains, the right to control the disposition defaults to the decedent's spouse, to any one of the decedent's surviving adult children, to either of the decedent's surviving adult parents, to one of the decedent's surviving adult siblings, or to any adult person in the next degree of kinship as determined by the laws of intestacy.

H.B. 923 prohibits a person who has been indicted for family violence in connection with the death of a decedent from controlling the disposition of the decedent's remains.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 923 amends the Health and Safety Code to prohibit an otherwise authorized person or family member from controlling the disposition of a decedent's remains if, in connection with the decedent's death, an indictment has been filed charging the person with a criminal homicide offense that involved family violence against the decedent.

H.B. 923 amends the Probate Code to make a conforming change relating to the prohibition.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.