

BILL ANALYSIS

S.B. 530
By: Patrick, Dan
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current procedure dictates that when a body is brought to the morgue, the medical examiner must identify the next of kin (kin). Any property, including cash, found on a body brought to the morgue is secured and held until kin arranges for internment. If no kin is identified, any property escheats to the state after three years and the medical examiner's office must hold the property for that length of time. The county carries the burden of paying for any burial costs. Harris County estimates that, on average, the amount of cash found on bodies that resulted in pauper burials was less than \$100.

As proposed, S.B. 530 changes current law so that a county may use the cash discovered in the possession of a deceased pauper to pay the actual costs incurred by the county in disposing of the body. Any remaining property or cash will be placed in a trust for a determined length of time so that kin may have an opportunity to make a claim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 694.002, Health and Safety Code, by adding Subsections (c)-(e), as follows:

(c) Authorizes a county, if it discovers cash in the possession of a deceased pauper, to use the cash to pay the actual costs incurred by the county in disposing of the pauper's body.

(d) Requires the county, if any cash remains after the county has paid the costs of disposing of the body under Subsection (c), to place the cash in trust. Requires a person having a claim to the money in trust to exercise the right to collect the money not later than the first anniversary of the date of disposition of the pauper's body.

(e) Authorizes a county to create a fund to be used by the county to pay the costs incurred in disposing of the bodies of deceased paupers and administering the county's body disposition activities. Authorizes the county, if money placed in a trust under Subsection (d) is not claimed by the first anniversary of the date of disposition of the pauper's body, to transfer the money to the fund created under this subsection.

EFFECTIVE DATE

Upon passage or September 1, 2009.