

By: Dutton

H.B. No. 923

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting the disposition of a decedent's remains by  
3 a person charged with certain criminal conduct against the  
4 decedent.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 711.002, Health and Safety Code, is  
7 amended by amending Subsection (a) and adding Subsection (l) to  
8 read as follows:

9 (a) Except as provided by Subsection (l), unless ~~[Unless]~~ a  
10 decedent has left directions in writing for the disposition of the  
11 decedent's remains as provided in Subsection (g), the following  
12 persons, in the priority listed, have the right to control the  
13 disposition, including cremation, of the decedent's remains, shall  
14 inter the remains, and are liable for the reasonable cost of  
15 interment:

16 (1) the person designated in a written instrument  
17 signed by the decedent;

18 (2) the decedent's surviving spouse;

19 (3) any one of the decedent's surviving adult  
20 children;

21 (4) either one of the decedent's surviving parents;

22 (5) any one of the decedent's surviving adult  
23 siblings; or

24 (6) any adult person in the next degree of kinship in

1 the order named by law to inherit the estate of the decedent.

2 (1) A person listed in Subsection (a) may not control the  
3 disposition of the decedent's remains if, in connection with the  
4 decedent's death, an indictment has been filed charging the person  
5 with a crime under Chapter 19, Penal Code, that involves family  
6 violence against the decedent.

7 SECTION 2. Section 115(c), Texas Probate Code, is amended  
8 to read as follows:

9 (c) After notice and hearing, without regard to whether the  
10 deceased died intestate or testate, and subject to the prohibition  
11 described by Section 711.002(1), Health and Safety Code, a court  
12 may limit the right of a surviving spouse, whether or not the spouse  
13 has been designated by the deceased's will as the executor of a  
14 deceased spouse's estate, to control the burial and interment or  
15 cremation of the deceased spouse if the court finds that there is  
16 good cause to believe that the surviving spouse is the principal or  
17 an accomplice in a wilful act which resulted in the death of the  
18 deceased spouse.

19 SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2009.