

By: Dutton

H.B. No. 549

Substitute the following for H.B. No. 549:

By: Coleman

C.S.H.B. No. 549

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the disposition of a decedent's remains.

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

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

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

14 (1) the person designated in a written instrument  
15 signed by the decedent;

16 (2) the decedent's surviving spouse;

17 (3) any one of the decedent's surviving adult  
18 children;

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

20 (5) any one of the decedent's surviving adult  
21 siblings; or

22 (6) any adult person in the next degree of kinship in  
23 the order named by law to inherit the estate of the decedent.

24 (l) A person listed in Subsection (a) may not control the

1 disposition of the decedent's remains if, in connection with the  
2 decedent's death, an indictment has been filed charging the person  
3 with a crime under Chapter 19, Penal Code, that involves family  
4 violence against the decedent.

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

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

17 SECTION 3. Section 711.002(j), Health and Safety Code, is  
18 repealed.

19 SECTION 4. 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, 2011.