

By: Dutton

H.B. No. 549

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, 2011.