

1-1 By: Dutton (Senate Sponsor - Uresti) H.B. No. 549
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 13, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 12, 2011, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 12, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the disposition of a decedent's remains.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 711.002, Health and Safety Code, is
1-11 amended by amending Subsection (a) and adding Subsection (l) to
1-12 read as follows:

1-13 (a) Except as provided by Subsection (l), unless ~~[Unless]~~ a
1-14 decedent has left directions in writing for the disposition of the
1-15 decedent's remains as provided in Subsection (g), the following
1-16 persons, in the priority listed, have the right to control the
1-17 disposition, including cremation, of the decedent's remains, shall
1-18 inter the remains, and are liable for the reasonable cost of
1-19 interment:

1-20 (1) the person designated in a written instrument
1-21 signed by the decedent;

1-22 (2) the decedent's surviving spouse;

1-23 (3) any one of the decedent's surviving adult
1-24 children;

1-25 (4) either one of the decedent's surviving parents;

1-26 (5) any one of the decedent's surviving adult
1-27 siblings; or

1-28 (6) any adult person in the next degree of kinship in
1-29 the order named by law to inherit the estate of the decedent.

1-30 (l) A person listed in Subsection (a) may not control the
1-31 disposition of the decedent's remains if, in connection with the
1-32 decedent's death, an indictment has been filed charging the person
1-33 with a crime under Chapter 19, Penal Code, that involves family
1-34 violence against the decedent.

1-35 SECTION 2. Section 115(c), Texas Probate Code, is amended
1-36 to read as follows:

1-37 (c) After notice and hearing, without regard to whether the
1-38 deceased died intestate or testate, and subject to the prohibition
1-39 described by Section 711.002(l), Health and Safety Code, a court
1-40 may limit the right of a surviving spouse, whether or not the spouse
1-41 has been designated by the deceased's will as the executor of a
1-42 deceased spouse's estate, to control the burial and interment or
1-43 cremation of the deceased spouse if the court finds that there is
1-44 good cause to believe that the surviving spouse is the principal or
1-45 an accomplice in a wilful act which resulted in the death of the
1-46 deceased spouse.

1-47 SECTION 3. Section 711.002(j), Health and Safety Code, is
1-48 repealed.

1-49 SECTION 4. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2011.

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