

BILL ANALYSIS

H.B. 2248
By: Wray
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As part of its ongoing review of Texas law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed certain updates to the law regarding the disposition and removal of remains. H.B. 2248 seeks to make those updates.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2248 amends the Health and Safety Code to provide for a designation of a decedent's spouse as an agent or successor agent in a written instrument regarding the disposition of the decedent's remains to be revoked when the marriage of the decedent and the spouse is annulled or declared void before the decedent's death, unless the instrument provides otherwise, and to revise the form of the written instrument accordingly. The bill specifies that the venue for resolving a dispute concerning the right to control the disposition of a decedent's remains is a court with jurisdiction over probate proceedings for the decedent, regardless of whether a probate proceeding has been initiated. The bill changes the court from which permission must be granted for a decedent's remains to be uninterred from a cemetery plot if the requisite written consent cannot be obtained from a district court of the county in which the cemetery is located to a county court of that county. The changes in law made by the bill apply to a judicial proceeding concerning an applicable instrument that is pending on the bill's effective date, except that the bill does not apply with respect to a pending proceeding in which the court finds that the application of the bill's provisions would substantially interfere with the effective conduct of the proceeding.

EFFECTIVE DATE

September 1, 2019.