

BILL ANALYSIS

H.B. 2430
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The recent discovery of an unmarked burial ground with connections to the 19th and 20th century system of convict leasing has raised concerns regarding state law relating to the removal of human remains from abandoned or rediscovered cemeteries. It has been suggested that current practice may not adequately provide for an expeditious and respectful process under circumstances of particular historical sensitivity and for which no documentation identifies the deceased or their present-day relatives. There have been calls, additionally, to allow a court more flexibility in ordering where such disinterred remains are to be reinterred in order to preserve proximity to the original site when appropriate. H.B. 2430 seeks to address these concerns by limiting certain notice periods associated with the court process in such cases, changing the authorized standing of certain historical advisors, and allowing the court the option of ordering reburial on the same property.

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. 2430 amends the Health and Safety Code to require that, if a district court to which a party applies for permission to remove interred remains from a cemetery requires an additional person or entity to be served notice of the application, subsequent to such service to the other parties for whom the notice is required, the additional service be performed not later than the 11th day after the date of the judge's order. The bill prohibits such service of notice from being required for any court appointed representative or other court appointed official.

H.B. 2430 authorizes a court to order the removal of human remains from an abandoned, unknown, or unverified cemetery regarding which the owner of the applicable property has petitioned for the removal of a cemetery designation to any other place on the owner's property that the district court finds is in the public interest, as an alternative to ordering such a removal to a perpetual care, municipal, or county cemetery. The bill removes the authorization of the Texas Historical Commission and the appropriate county historical commission to intervene and become parties to a suit involving the removal of remains from an abandoned, unknown, or unverified cemetery or the removal of a cemetery dedication and authorizes the court instead to consult with those historical commissions in making a decision in those cases. The bill authorizes the court also to designate or appoint any person, party, court appointed representative, or official the court considers necessary to assist in determining whether the removal of remains or the removal of the cemetery dedication is in the public interest.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.