

BILL ANALYSIS

C.S.H.B. 3357
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that funeral directors often avoid requesting a medical examiner's review of cremation authorizations by obtaining a burial-transit permit from the county clerk, with this permit often being accepted by crematories as permission to cremate rather than as notification of the family's wishes. The bill author has also informed the committee that, as a result, many decedents who should have been reported to the medical examiner under state law are never examined. The bill author has further informed the committee that a medical examiner's review of cremation authorization requests is the last line of public health surveillance, ensuring that cases of drug overdose, abuse, neglect, trauma, and homicide are properly investigated and certified before cremation. C.S.H.B. 3357 seeks to close this gap in oversight, ensure that all cremation requests are properly reviewed by medical examiners, and prevent deaths that should have been reported from being overlooked in the certification process by requiring a medical examiner's authorization for cremation regardless of whether an inquest has already been conducted, closing the loophole that allows cremations to proceed without proper oversight.

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

C.S.H.B. 3357 amends the Health and Safety Code to require that a crematory establishment receive, before the establishment may cremate deceased human remains, with respect to a crematory establishment located in a county with an applicably appointed county medical examiner and in addition to the other documents the establishment must receive before any cremation, a certificate signed by the applicably appointed medical examiner indicating that the medical examiner did the following:

- examined the human remains and certified an inquest was unnecessary;
- chose not to examine the human remains and authorized release of the remains for cremation; or
- held an inquest and authorized release of the human remains for cremation.

C.S.H.B. 3357 amends the Code of Criminal Procedure to authorize any county medical examiner, or the examiner's duly authorized deputy, to hold inquests with or without a jury within the applicable county, when a county medical examiner examines human remains before

authorizing a cremation under the bill's provisions and determines performance of an inquest is necessary.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3357 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require that a crematory establishment receive a certificate indicating that the applicably appointed medical examiner took certain actions in addition to the other documents the establishment must receive before cremating deceased human remains. However, the introduced required a crematory establishment to receive such information before the establishment may cremate deceased human remains with respect to a death that occurred in a county with an applicably appointed county medical examiner, whereas the substitute requires a crematory establishment to receive such information before the establishment may cremate deceased human remains with respect to a crematory establishment located in a county with an applicably appointed county medical examiner.

The introduced set out a provision of the Texas Administrative Code addressing the issuance of a burial-transit permit with respect to the removal of a dead body or fetus from Texas and conditioning the issuance of the permit on the presentation of a cremation authorization permit issued in accordance with certain Health and Safety Code provisions, whereas the substitute does not do so.