

BILL ANALYSIS

Senate Research Center
84R3383 KKR-D

S.B. 988
By: Perry
Business & Commerce
3/10/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits a person from controlling the remains of someone if they have been charged in relation to that person's death. This is meant to protect victims and their families from having to get permission from the suspected killer before burying their relative.

However, there currently are no consequences for a funeral home director who violates this law. As a result there have been instances of families going through unneeded anguish as they negotiate burial arrangements.

Holly's Law will allow the Texas Funeral Service Commission to take disciplinary action or assess an administrative penalty. As a result, funeral home directors will be held accountable if they break the law.

As proposed, S.B. 988 amends current law relating to the prohibited disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent, and provides an administrative penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that this Act may be cited as the Holly Combs Act.

SECTION 2. Amends Section 711.002(l), Health and Safety Code, as follows:

(l) Prohibits a person listed in Subsection (a) (relating to the persons who have the right to control the disposition of the remains of a deceased person) from controlling the disposition of the decedent's remains if, in connection with the decedent's death, an indictment has been filed charging the person with a crime under Chapter 19 (Criminal Homicide), Penal Code, that involves family violence against the decedent. Provides that a person regulated under Chapter 651 (Cemetery and Crematory Services, Funeral Directing, and Embalming), Occupations Code, who allows the person charged with a crime to control the disposition of the decedent's remains in violation of this subsection commits a prohibited practice under Section 651.460 (Prohibited Practices Related to Failure to Comply with Other Legal Requirements), Occupations Code, and authorizes the Texas Funeral Service Commission to take disciplinary action or assess an administrative penalty against the regulated person under that chapter.

SECTION 3. Amends Section 651.460(a), Occupations Code, to provide that a person violates this chapter if the person violates Section 711.002(l), Health and Safety Code. Makes nonsubstantive changes.

SECTION 4. Effective date: upon passage or September 1, 2015.