

BILL ANALYSIS

S.B. 988
By: Perry
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Among the purposes of the prohibition against an individual controlling the disposition of a decedent's remains if the individual is charged with a criminal homicide offense that involves family violence against the decedent is the protection of the families of victims from having to get permission from the suspected killer before burying the victim. However, interested parties have expressed concern that currently there are no consequences for a funeral home director who allows a violation of this prohibition. As a result, there have been instances of families going through unneeded anguish as they negotiate burial arrangements. S.B. 988 seeks to address this issue.

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

S.B. 988 amends the Health and Safety Code and the Occupations Code to establish that a person subject to regulation by the Texas Funeral Service Commission commits a prohibited practice for purposes of that regulation if the person knowingly allows an individual charged with a criminal homicide offense that involves family violence against a decedent to control the disposition of the decedent's remains. The bill authorizes the commission to take disciplinary action or assess an administrative penalty against the regulated person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.