

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2114
By: Allen (West, Royce)
Jurisprudence
5-9-2001
Committee Report (Amended)

DIGEST AND PURPOSE

Under current law, there are no restrictions on who can be interred in a cemetery in relation to others interred in the same cemetery. Recently in Grand Prairie, a victim of a murder-suicide was interred in a local cemetery in close proximity to the murderer. The proximity of these interments has caused the members of the victim's family a great deal of anxiety which will continue as long as they visit the grave site. H.B. 2114 prohibits the burial of a murderer in the same cemetery as the victim of that murder on request of the victim's family.

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. Amends Chapter 712, Health and Safety Code, by adding Section 712.008, as follows:

Sec. 712.008. LIMITATIONS ON BURIALS; DAMAGES. Prohibits an individual, corporation, partnership, firm, trust, or association that operates or owns a perpetual care cemetery from interring the remains of an individual who may have caused the death of another if: the victim is interred in that cemetery, and the person having the right to control the disposition of the victim's remains under Section 711.002(a) gives written notice to the cemetery requesting that the individual not be interred in that cemetery under certain circumstances. Provides that an individual, corporation, partnership, firm, trust, or association that violates this section is liable to the person having the right to control the disposition of the victim's remains under Section 711.002(a) for certain monies. Prohibits damages under this section or a civil penalty under Section 712.0441 from being assessed if the individual, corporation, partnership, firm, trust, or association that operates the cemetery proves by a preponderance of the evidence certain information. Prohibits an individual, corporation, partnership, firm, trust, or association operating or owning a perpetual care cemetery and barred from interring remains of an individual under this section from being held liable for damages by a person having the right to control the disposition of the individual's remains under Section 711.002(a), including damages for failure to provide for interment under a contract executed before the delivery of the written notice under this section. Provides that a notice under this Section expires seven years after the date the notice is delivered. Provides that a new notice may be delivered on the expiration of each previous notice.

SECTION 2. Amends Section 712.0441(a), Health and Safety Code, to require a corporation to be subject to a civil penalty if the corporation violates Section 711.008.

SECTION 3. Effective date: September 1, 2001.