

## **BILL ANALYSIS**

Senate Research Center

S.B. 524  
By: Birdwell  
Criminal Justice  
5/25/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, the offense of abuse of a corpse is classified as a Class A misdemeanor, which is punishable by up to one year in jail, and/or up to a \$4000 fine. Interested parties contend that this punishment is not severe enough to fit the nature of the crime. In one instance of malpractice by the owners of a funeral home, prosecutors instead sought a conviction for theft that was punishable as a state jail felony in order to deliver a harsher punishment.

S.B. 524 makes the abuse of a corpse a state jail felony. This would impose a minimum penalty of 180 days in jail, up to two years, along with the possibility of up to a \$10,000 fine.

S.B. 524 amends current law relating to increasing the punishment for the offense of abuse of a corpse.

### **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 Section 42.08(b), Penal Code, by providing that an offense under this section (Abuse of Corpse) is a state jail felony, rather than a Class A misdemeanor, except that an offense under Subsection (a)(5) (relating to a person vandalizing, damaging, or treating in an offensive manner the space in which a human corpse has been interred) is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.