HLS 19RS-322 ENGROSSED

2019 Regular Session

HOUSE BILL NO. 102

1

BY REPRESENTATIVE JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HUMAN REMAINS: Provides relative to the disposition of the remains of a homicide victim

AN ACT

2	To amend and reenact R.S. 8:655(A)(introductory paragraph) and to enact R.S. 8:655(F) and
3	R.S. 37:876(H), relative to the disposition of human remains; to provide for the
4	disposition of the remains of a homicide victim; to prohibit a person responsible for
5	the death of the victim from controlling the disposition of the victim's remains; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 8:655(A)(introductory paragraph) is hereby amended and reenacted
9	and R.S. 8:655(F) is hereby enacted to read as follows:
10	§655. Right of disposing of remains; military personnel; limitation of liability
11	A. Unless Except as provided in Subsection F of this Section, unless other
12	specific directions have been given or the designation of a specific person to control
13	disposition has been made by the decedent in the form of a notarial testament or a
14	written and notarized declaration, the following persons, in the priority listed, have
15	the right to control and authorize the interment of a deceased person, as defined in
16	R.S. 8:1:
17	* * *
18	F. No person shall have any right to control the disposition of the remains
19	of a decedent when a warrant or a judicial determination of probable cause for a

1 homicide enumerated in R.S. 14:30, 30.1, or 31 has been issued for his arrest for the 2 death of the decedent. Section 2. R.S. 37:876(H) is hereby enacted to read as follows: 3 4 §876. Authorizing agent; notarial testaments and notarized declarations 5 6 H. No person shall have any right to control the disposition of the remains 7 of a decedent when a warrant or a judicial determination of probable cause for a 8 homicide enumerated in R.S. 14:30, 30.1, or 31 has been issued for his arrest for the 9 death of the decedent.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 102 Engrossed

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Jones

Abstract: Provides that a person arrested for certain enumerated crimes of a decedent shall not have the authority to control the disposition of the decedent's remains.

<u>Present law</u> provides that unless a decedent has otherwise specifically indicated by notarial testament or notarized declaration who has the right to control the disposition of his remains, a list of priority of kinship specified in <u>present law</u> shall be used.

<u>Proposed law</u> creates an exception to <u>present law</u> to prohibit a person from controlling the disposition of the remains of a decedent when a warrant or judicial determination of probable cause has been issued for his arrest for first degree murder, second degree murder, or manslaughter for the death of the decedent.

<u>Present law</u> regarding cremation provides a list of persons, in order of priority, who have the right to serve as an authorizing agent for cremation. <u>Proposed law</u> creates an exception to <u>present law</u> which provides that no person shall have the right to cremate a decedent when a warrant or judicial determination of probable cause for first degree murder, second degree murder, or manslaughter has been issued for his arrest for the death of the decedent.

(Amends R.S. 8:655(A)(intro. para.); Adds R.S. 8:655(F) and R.S. 37:876(H))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Commerce</u> to the <u>original</u> bill:

1. Limit the homicides for which a person is prohibited from controlling the remains of a decedent to first degree murder, second degree murder, and manslaughter.

2. Remove the provision that would prohibit a person from controlling the disposition of remains if he committed another crime that caused the decedent's death.

3. Provide that no person shall have the right to cremate a decedent when a warrant or judicial determination of probable cause for first degree murder, second degree murder, or manslaughter has been issued for his arrest for the death of the decedent.