

BILL ANALYSIS

Senate Research Center
77R11088 YDB-D

H.B. 2114
By: Allen (West)
Jurisprudence
5/9/2001
Engrossed

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 711A, Health and Safety Code, by adding Section 711.012, as follows:

Sec. 711.012. LIMITATIONS ON BURIALS; DAMAGES. Defines "family." Prohibits an individual, corporation, partnership, firm, trust, or association that operates or owns a cemetery from interring the remains of an individual who may have murdered another person if the murder victim is interred in that cemetery, and the family of the victim gives a written notice to the cemetery requesting the individual not be interred in that cemetery for certain reasons. Provides that an individual, corporation, partnership, firm, trust, or association that violates this section is liable to the family for certain damages and fees and court costs. Authorizes the family of an individual who is refused interment under this section to contest in court an allegation of murder by the victim's family under this section. 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 that the cemetery is the only cemetery serving the municipality or county in which the victim and murderer lived, and the bodies of the victim and murderer were placed as far apart as possible in, or in different parts of, the cemetery.

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 711.012.

SECTION 3. Effective date: September 1, 2001.