

2019 Regular Session

HOUSE BILL NO. 102

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

1 AN ACT

2 To amend and reenact R.S. 8:655(A)(introductory paragraph) and to enact R.S. 8:655(F),  
3 relative to the disposition of human remains; to provide for the disposition of the  
4 remains of a homicide victim; to prohibit a person responsible for the death of the  
5 victim from controlling the disposition of the victim's remains; and to provide for  
6 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 in any of the following circumstances:

1                   (1) A warrant or a judicial determination of probable cause for a homicide  
2                   enumerated in R.S. 14:29 has been issued for his arrest for the death of the decedent.

3                   (2) A warrant or a judicial determination of probable cause has been issued  
4                   for his arrest for another crime that contributed to the 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 Original

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Jones

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

Present law 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 present law shall be used.

Proposed law creates an exception to present law to prohibit a person from controlling the disposition of the remains of a decedent when there has been a warrant or judicial determination of probable cause issued because the person has killed the decedent or contributed to his death.

(Amends R.S. 8:655(A)(intro. para.); Adds R.S. 8:655(F))