

Regular Session, 2012

HOUSE BILL NO. 562

BY REPRESENTATIVE NANCY LANDRY

HUMAN REMAINS: Prohibits a person alleged to have intentionally caused the death of a person to control of interment or cremation of the decedent

1 AN ACT

2 To enact R.S. 8:655(C) and R.S. 37:876(F), relative to the right of disposing of human  
3 remains; to provide for the right to control interment; to provide for authorizing  
4 agent for cremation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 8:655(C) is hereby enacted to read as follows:

7 §655. Right of disposing of remains

8 \* \* \*

9 C. Notwithstanding Subsection A of this Section, a person arrested or  
10 charged with criminal homicide by reason of the death of the decedent shall not have  
11 the right to control interment of the decedent's remains. The disposition of the  
12 decedent's remains shall be made in accordance with the directions of an eligible  
13 person within the first applicable class established under Subsection A of this  
14 Section.

15 Section 2. R.S. 37:876(F) is hereby enacted to read as follows:

16 §876. Authorizing agent; notarized declarations

17 \* \* \*

18 F. Notwithstanding Subsection A of this Section, a person arrested or  
19 charged with criminal homicide by reason of the death of the decedent shall not have  
20 the right to serve as an authorizing agent for cremation. The authorizing agent shall

- 1            be an eligible person within the first applicable class established under Subsection  
2            A of this Section.

## 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)]

Nancy Landry

HB No. 562

**Abstract:** Prohibits a person arrested or charged with criminal homicide by reason of the death of the decedent from controlling the burial or cremation of the remains of the deceased.

Present law provides a prioritized listing as follows of those persons having the right to control interment of the remains of a deceased person, unless specific directions have been given in a written notarized declaration:

- (1) Surviving spouse.
- (2) A majority of the surviving adult children.
- (3) Surviving parents.
- (4) A majority of the surviving adult siblings.
- (5) A majority of adult persons in the next degree of kindred as provided by the Civil Code.

Present law provides a prioritized listing as follows of those persons having the right to serve as an authorizing agent for the cremation of a decedent absent specific written direction of the deceased:

- (1) Surviving spouse.
- (2) All surviving adult children.
- (3) Surviving parents.
- (4) All surviving adult siblings.
- (5) All surviving adult persons in the next degree of kindred as provided by the Civil Code.

Proposed law retains present law and provides, however, that a person arrested or charged with criminal homicide by reason of the death of the decedent shall not have the right to control interment of the decedent's remains or act as the authorizing agent for cremation of the decedent's remains. Proposed law further provides that the disposition of the decedent's remains shall be made in accordance with the directions of an eligible person within the first applicable class established by present law.

(Adds R.S. 8:655(C) and R.S. 37:876(F))