

# SENATE BILL REPORT

## SB 6277

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As Passed Senate, February 16, 2010

**Title:** An act relating to disposition of human remains.

**Brief Description:** Revising the order of vesting for the right to control disposition of human remains.

**Sponsors:** Senators Zarelli and Regala.

**Brief History:**

**Committee Activity:** Judiciary: 1/19/10, 2/03/10 [DPS].

Passed Senate: 2/16/10, 47-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; McCaslin, Ranking Minority Member; Carrell, Gordon, Hargrove and Roach.

**Staff:** Kim Johnson (786-7472)

**Background:** A person has the right to control the disposition of his or her own remains. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the remains to be disposed of as specified. A person may make prearrangements with a licensed funeral establishment or cemetery authority and such arrangements are not subject to cancellation or substantial revision by survivors.

However, if the decedent has not provided any directions then decisions regarding the disposition of such remains vests in a default list of individuals in the order named. The default list is as follows: (1) the surviving spouse or domestic partner; (2) the surviving adult children; (3) the surviving parents; (4) the surviving siblings; (5) a person acting as a representative of the decedent under the signed authorization of the decedent.

**Summary of Bill:** If any person to whom the right of control is vested has been charged with first or second degree murder or first degree manslaughter in connection with the

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decedent's death, the right of control is relinquished and passed on to the next person or group of persons on the list.

**Appropriation:** None.

**Fiscal Note:** Requested on substitute February 4, 2010.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: We support this legislation because of what happened to our family. Our daughter was murdered. Her estranged husband was the murderer and we could not get control of her body until he gave his permission. We want to prevent this from happening to other families. Families that have to go back to the person accused of their loved ones' murder are re-victimized and further traumatized because they don't have the rights to their loved one's body. We found out at a funeral home that we had to get the murderer's permission for her own mother to bury our daughter. No parent or child should have to go through anything like this. We are supportive of an amendment to add arrest to the language.

There are similar laws now in force in Colorado, Montana and Oregon. We think that there may be other crimes that should be added, such as homicide by abuse.

**Persons Testifying:** PRO: Senator Zarelli, prime sponsor; Steve & Kerry Crane, citizens; John Eric Rolfstead, People's Memorial Association; Grace Huang, Washington State Coalition Against Domestic Violence.