

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1 Page 2, line 29, delete "causing suicide (IC 35-42-1-2);".
- 2 Page 2, line 30, delete "(C)".
- 3 Page 2, run in lines 29 through 30.
- 4 Page 2, line 30, after "(IC 35-42-1-3);" insert "**or**
- 5 **(C) another criminal act, if the death does not result from**
- 6 **the operation of a vehicle; and"**.
- 7 Page 2, delete lines 31 through 35.
- 8 Page 2, line 36, after "(2)" insert "**the coroner, in consultation with**
- 9 **the law enforcement agency investigating the death of the decedent,**
- 10 **determines that there is a reasonable likelihood that"**.
- 11 Page 2, line 36, delete "has been arrested in" and insert "**committed**
- 12 **the offense;"**.
- 13 Page 2, delete line 37.
- 14 Page 4, line 12, delete "causing suicide (IC 35-42-1-2);".
- 15 Page 4, line 13, delete "(C)".
- 16 Page 4, run in lines 12 through 13.
- 17 Page 4, line 13, after "(IC 35-42-1-3);" insert "**or**
- 18 **(C) another criminal act, if the death does not result from**
- 19 **the operation of a vehicle; and"**.
- 20 Page 4, delete lines 14 through 18.

1 Page 4, line 19, after "(2)" insert "**the coroner, in consultation with**  
 2 **the law enforcement agency investigating the death of the decedent,**  
 3 **determines that there is a reasonable likelihood that"**.

4 Page 4, line 19, delete "has been arrested in" and insert "**committed**  
 5 **the offense;"**.

6 Page 4, delete line 20.

7 Page 4, between lines 26 and 27, begin a new paragraph and insert:  
 8 "SECTION 3. IC 25-15-9-18 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. **(a) Except as**  
 10 **provided in subsection (b)**, the following persons, in the order of  
 11 priority indicated, have the authority to designate the manner, type, and  
 12 selection of the final disposition and interment of human remains:

13 (1) ~~The decedent's surviving individual who was the spouse of~~  
 14 **the decedent at the time of the decedent's death.**

15 (2) ~~The decedent's surviving adult child. or children. However, if~~  
 16 ~~the children cannot agree on the manner of final disposition, the~~  
 17 ~~personal representative of the decedent's estate. If more than one~~  
 18 **(1) adult child is surviving, any adult child who confirms in**  
 19 **writing that the other adult children have been notified, unless**  
 20 **the licensed funeral director or licensed funeral home receives**  
 21 **a written objection from another adult child.**

22 (3) ~~The decedent's surviving parents: parent. If the decedent is~~  
 23 **survived by both parents, either parent has the authority**  
 24 **unless the licensed funeral director or licensed funeral home**  
 25 **receives a written objection from the other parent.**

26 (4) ~~The personal representative of the decedent's estate:~~  
 27 **(4) The individual in the next degree of kinship under**  
 28 **IC 29-1-2-1 to inherit the estate of the decedent. If more than**  
 29 **one (1) individual of the same degree survives, any person of**  
 30 **that degree has the authority unless the licensed funeral**  
 31 **director or licensed funeral home receives a written objection**  
 32 **from one (1) or more persons of the same degree.**

33 **(5) In the case of an indigent or other individual whose final**  
 34 **disposition is the responsibility of the state or township, the**  
 35 **following may serve as the authorizing agent:**

36 **(A) If none of the persons identified in subdivisions (1)**  
 37 **through (4) is available:**

38 **(i) a public administrator, including a responsible**

1 township trustee or the trustee's designee; or  
2 (ii) the coroner.

3 (B) A state appointed guardian.

4 (b) If:

5 (1) the death of the decedent appears to have been the result  
6 of:

7 (A) murder (IC 35-42-1-1);

8 (B) voluntary manslaughter (IC 35-42-1-3); or

9 (C) another criminal act, if the death does not result from  
10 the operation of a vehicle; and

11 (2) the coroner, in consultation with the law enforcement  
12 agency investigating the death of the decedent, determines  
13 that there is a reasonable likelihood that a person described  
14 in subsection (a) committed the offense;

15 the person referred to in subdivision (2) may not authorize or  
16 designate the manner, type, or selection of the final disposition and  
17 internment of human remains.

18 (c) The coroner, in consultation with the law enforcement  
19 agency investigating the death of the decedent, shall inform the  
20 crematory authority of the arrest of the person referred to in  
21 subsection (b)(2)."

22 Page 5, line 4, delete "causing suicide (IC 35-42-1-2);".

23 Page 5, line 5, delete "(C)".

24 Page 5, run in lines 4 through 5.

25 Page 5, line 5, after "(IC 35-42-1-3);" insert "or

26 (C) another criminal act, if the death does not result from  
27 the operation of a vehicle; and".

28 Page 5, delete lines 6 through 10.

29 Page 5, line 11, after "(4)" insert "the coroner, in consultation with  
30 the law enforcement agency investigating the death of the decedent,  
31 determines that there is a reasonable likelihood that".

- 1 Page 5, line 11, delete "has been" and insert "**committed the**
- 2 **offense.**".
- 3 Page 5, delete line 12.
- 4 Renumber all SECTIONS consecutively.  
(Reference is to SB 271 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 0.

---

**Steele**

**Chairperson**