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4124--A

Cal. No. 163

2011-2012 Regular Sessions

I N   S E N A T E

March 21, 2011
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Introduced by Sens. RANZENHOFER, CARLUCCI, DeFRANCISCO, LARKIN, LAVALLE
  -- read twice and ordered printed, and when printed to be committed to
  the Committee on Health -- recommitted to the Committee on Health in
  accordance with Senate Rule 6, sec. 8 -- reported favorably from said
  committee, ordered to first and second report, ordered to a third
  reading, passed by Senate and delivered to the Assembly, recalled,
  vote reconsidered, restored to third reading, amended and ordered
  reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the disposition of
  remains

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subdivision 2 of section 4201 of the public health law is
 2 amended by adding a new paragraph (e) to read as follows:
 3   (E) NO PERSON WHO: (1) AT THE TIME OF THE DECEDENT'S DEATH, WAS THE
 4 SUBJECT OF AN ORDER OF PROTECTION PROTECTING THE DECEDENT; OR (2) HAS
 5 BEEN ARRESTED OR CHARGED WITH ANY CRIME SET FORTH IN ARTICLE ONE HUNDRED
 6 TWENTY-FIVE OF THE PENAL LAW AS A RESULT OF ANY ACTION ALLEGEDLY CAUSAL-
 7 LY RELATED TO THE DEATH OF THE DECEDENT SHALL HAVE THE RIGHT TO CONTROL
 8 THE DISPOSITION OF THE REMAINS OF THE DECEDENT. HOWEVER, THE APPLICATION
 9 OF THIS PARAGRAPH IN A PARTICULAR CASE MAY BE WAIVED OR MODIFIED IN THE
10 INTEREST OF JUSTICE BY ORDER OF (I) THE COURT THAT ISSUED THE ORDER OF
11 PROTECTION OR IN WHICH THE CRIMINAL ACTION AGAINST THE PERSON IS PEND-
12 ING, OR A SUPERIOR COURT IN WHICH AN ACTION OR PROCEEDING UNDER THE
13 DOMESTIC RELATIONS LAW OR THE FAMILY COURT ACT BETWEEN THE PERSON AND
14 THE DECEDENT WAS PENDING AT THE TIME OF THE DECEDENT'S DEATH, OR (II) IF
15 PROCEEDING IN THAT COURT WOULD CAUSE INAPPROPRIATE DELAY, A COURT IN A
16 SPECIAL PROCEEDING.
17   S 2. This act shall take effect on the thirtieth day after it shall
18 have become a law.

    EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.