
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 72 Session of
2015

INTRODUCED BY READSHAW, COHEN, KORTZ, CALTAGIRONE, GRELL,
MILLARD, THOMAS, D. COSTA, KOTIK, DeLUCA, BARBIN, GINGRICH
AND MAHONEY, JANUARY 21, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 2015

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in ownership of property,
3 legal title and equitable estate, further providing for right
4 to dispose of a decedent's remains.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 305(d) (2) of Title 20 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 305. Right to dispose of a decedent's remains.

10 * * *

11 (d) Procedure.--Where a petition alleging enduring
12 estrangement, incompetence, contrary intent or waiver and
13 agreement is made within 48 hours of the death or discovery of
14 the body of the decedent, whichever is later, a court may order
15 that no final disposition of the decedent's remains take place
16 until a final determination is made on the petition. Notice to
17 each person with equal or higher precedence than the petitioner
18 to the right to dispose of the decedent's remains and to his

1 attorney if known and to the funeral home or other institution
2 where the body is being held must be provided concurrently with
3 the filing of the petition. A suitable bond may be required by
4 the court.

5 * * *

6 (2) If two [or more] persons with equal standing as next
7 of kin disagree on disposition of the decedent's remains, the
8 authority to dispose shall be determined by the court, with
9 preference given to the person who had the closest
10 relationship with the deceased. If more than two persons with
11 equal standing as next of kin disagree on disposition of the
12 decedent's remains, the authority to dispose shall be
13 determined by the majority. Where two or more persons with
14 equal standing cannot reach a majority decision, the court
15 shall make a final determination on disposition of the
16 decedent's remains.

17 * * *

18 Section 2. This act shall take effect in 60 days.