

CONCURRENCE IN SENATE AMENDMENTS

AB 2542 (Patterson)

As Amended August 13, 2026

Majority vote

SUMMARY

Establishes Marissa's Law, which transfers the right of control from the person who receives it by operation of existing law if certain conditions are met.

Major Provisions

- 1) Transfers the right of control over the remains of a deceased person that is vested by operation of existing law to the next of kin in accordance with existing law when the funeral director or cemetery authority knows that the person with the right of control meets either of the following conditions:
 - a) The person with the right of control was subject to a restraining order for domestic violence against the deceased at the time of the decedent's death;
 - b) Either of the following evidences that vesting the right of control to that person would have been contrary to the decedent's best interests:
 - i) A court order, court finding, or other court determination;
 - ii) A will, agreement, or other legally determinative document.
- 2) Specifies that a funeral director's license or cemetery authority's license is not subject to disciplinary action for a determination made pursuant to these provisions.
- 3) *Specifies that neither a funeral director nor cemetery authority may be held civilly or criminally liable for a determination made pursuant to these provisions.*

Senate Amendments

Make clarifying changes to determine when the right of control may pass to the next of kin, and exempts relevant parties from disciplinary actions, and criminal and civil liability, and other technical changes.

COMMENTS

In August 2025, Marissa Divodi-Lessa and her son Josiah were shot and killed by Marissa's partner. Despite years of estrangement and a fraught history including an active domestic violence restraining order against him, Marissa's ex-husband and Josiah's biological father received the right to decide how to manage Josiah's remains. This right was vested by operation of existing law, which lays out a sequence of individuals with whom the right to dispose of the remains of a deceased individual vests. That existing statute vests that right with surviving parents, largely regardless of the status of the parent's relationship with the child at the time of their death. While such a default may be appropriate in many cases, there are certainly circumstances where it is far from acceptable. In the case of Josiah, Marissa's family fought

valiantly to convince Josiah's father to bury the young boy with his mother. They should not have had to.

This bill proposes a reasonable modification to existing law to account for circumstances where the person who receives the right of control over the deceased by operation of law may not be the appropriate person to make decisions regarding the deceased's final resting place. Existing law already creates an exemption to the existing series of persons with whom this right will vest in circumstances where the person who would receive the right of control has been charged with first- or second- degree murder or voluntary manslaughter in connection with the deceased's death. (Health and Safety Code Section 7100 (b).) In this circumstance, if the funeral director or cemetery authority know about the charges, the right of control is relinquished and passes on to the next of kin in accordance with the existing sequence. This bill would further modify this provision to pass that right on to the next of kin where the funeral director or cemetery authority knows of either of the following circumstances: 1) the person with right of control was subject to a restraining order for domestic violence against the deceased at the time of the decedent's death; or 2) there is specified evidence that vesting the right of control to that person would have been contrary to the decedent's best interests.

This proposal seems reasonably tailored to ensure that families whose loved ones have faced domestic violence are not further traumatized when attempting to make decisions about their relatives' final resting place.

According to the Author

The death of a loved one is always a difficult time. To help during this difficult time, current law establishes a clear standard for who may access the remains of a deceased person. However, this process can create additional hardship for families because it does not distinguish between parents who should have access to the remains of their child and those who should not due to abuse, neglect, or abandonment.

AB 2542 creates a clarifying exemption that prevents individuals who do not have their best interests in mind from obtaining access to the child's remains. The bill is narrowly tailored to ensure parents who care for their children are exempt from its provisions, balancing parental rights while protecting families from needless trauma.

Arguments in Support

The California Funeral Directors' Association and California District Attorneys Association support this measure. The Funeral Directors' Association writes:

Current law grants control of a deceased person's remains to that person's health care power of attorney, then moves to next of kin if an agent has not been appointed. Our Association sponsored the legislation that put in place "a line of consanguinity that determines who is in control of the remains." A person's right of control could be revoked if they are charged with certain crimes in connection to the decedent's death.

AB 2542 rectifies this issue by granting a funeral director or cemetery authority the power to release a deceased person's remains to the next qualified person when they know that the person with the right of control was subject to a restraining order for domestic violence against the deceased or qualified documents show that giving that person control would have been contrary to the decedent's best interests.

With this added responsibility, the bill offers the funeral industry critical protections by shielding funeral directors and cemetery authorities from civil or criminal liability, and from license discipline, for any determination they make under these provisions. This allows funeral directors to make the right choices without the fear of repercussions.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Solache, Ta, Tangipa

ABS, ABST OR NV: Muratsuchi, Pellerin

ASSEMBLY FLOOR: 74-0-6

YES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Addis, Hadwick, Celeste Rodriguez, Sharp-Collins, Soria, Wicks

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Blakespear, Limón

UPDATED

VERSION: August 13, 2026

CONSULTANT: Manuela Boucher-de la Cadena/ JUD. / (916) 319-2334

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