

BILL ANALYSIS

S.B. 239
By: Campbell
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that the parents of a deceased child are not always given the opportunity to view their child's body before an autopsy is performed. S.B. 239 seeks to address this issue by entitling a parent to view the body before an applicable justice of the peace or medical examiner assumes control over the body.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 239 amends the Code of Criminal Procedure to entitle a parent of a deceased child younger than 18 years of age to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body and to authorize the viewing of a child whose death occurred at a health care facility to be conducted at the facility. The bill prohibits a parent of a deceased child from viewing the child's body after such a justice of the peace or medical examiner assumes control over the body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

S.B. 239 requires a viewing of the body of a deceased child whose death is determined to be subject to an inquest under applicable state law to be conducted in compliance with the following conditions: the viewing must be supervised by a physician, registered nurse, or licensed vocational nurse or the justice of the peace or the medical examiner or a person acting on behalf of the justice or examiner or, if law enforcement has assumed control over the body at the time of the viewing, an appropriate peace officer or such medical or court personnel with the officer's consent; the parent may not have contact with the child's body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice or examiner; and a person may not remove a medical device from the child's body or otherwise alter the body's condition for purposes of conducting the viewing unless the person first obtains such consent. The bill establishes that a person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner under the bill's provisions unless the commissioners court of the applicable county approves the compensation.

EFFECTIVE DATE

September 1, 2017.