

## **BILL ANALYSIS**

C.S.H.B. 4174  
By: Middleton  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

After the Santa Fe school shooting, many next of kin of those who were killed or seriously injured requested to view the evidence to gain closure. However, due to current laws, there was concern that permitting family members to view this evidence would require that it also be disclosed to the public, including the media. C.S.H.B. 4174 seeks to resolve the issue by authorizing a prosecutor to allow a family member to view certain evidence, including a medical examiner's report and video evidence, without subjecting the evidence to public disclosure.

### **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**

C.S.H.B. 4174 amends the Government Code to authorize a prosecutor to permit a person to view the following evidence of a crime that resulted in a person's death and that occurred in the prosecutor's jurisdiction:

- a medical examiner's report, if the person viewing the report is a family member of the person who is the subject of the report and who was a victim of the crime; and
- video evidence of the crime, if the person viewing the video is a victim of the crime or a victim's family member.

The bill prohibits a person permitted to view a medical examiner's report or video evidence from duplicating, recording, capturing, or otherwise memorializing the information and authorizes a prosecutor to require a person to sign a confidentiality agreement before permitting the person to view the information.

C.S.H.B. 4174 establishes the following regarding the permitted viewing of a medical examiner's report or video evidence:

- the permitted viewing is not a voluntary disclosure of information for purposes of state public information law;
- a governmental body, by providing the information, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future;
- the permitted viewing does not affect a person's right to obtain a medical examiner's report or video evidence of a crime from a governmental body under other law, the procedures under which the information is obtained under other law, or the use that may be made of the information obtained under other law;

- the term "family member" means a person related to a victim of a crime within the first degree of consanguinity or affinity and the term "victim" means an individual who suffered personal injury or death as a result of criminal conduct; and
- the term "medical examiner's report" means a report and its contents as provided by the Code of Criminal Procedure, but does not include a photograph or medical image contained in a report created by a medical examiner.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4174 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the original and the substitute relate to the disclosure of certain information related to a crime that resulted in the death of a person, the substitute expands the scope of the original's provisions. Whereas the original only included a provision establishing that the disclosure of video evidence of such a crime to the deceased person's next of kin is not a voluntary disclosure of information that would subject the information to public disclosure and does not waive the right to assert in the future that the information is excepted from required disclosure, the substitute includes provisions authorizing a prosecutor to permit victims of such a crime and their family members to view a medical examiner's report and video evidence of the crime and establishes the effect of that disclosure on the status of the information as protected or confidential under state public information law.