

BILL ANALYSIS

Senate Research Center

H.B. 2693
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Criminal Justice
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Engrossed

DIGEST

The Missing Persons Clearinghouse is a division within the Department of Public Safety for the collection of information on missing Texans and people who are missing but believed to be located in Texas. The goal of the clearinghouse is to help locate these missing persons and be a centralized file for law enforcement agencies.

This is accomplished through collecting, compiling, exchanging, and disseminating information about these people. However, there are cases in which a medical examiner will not conduct an autopsy on an unidentified body, or meet minimum requirements such as taking fingerprints, photographs, noting of identifying marks, etc.

H.B. 2693 would require law enforcement agencies and medical examiners to follow certain procedures in cases involving unidentified deceased persons.

PURPOSE

As proposed, H.B. 2693 sets procedures for law enforcement agencies and medical examiners to follow in the cases of unidentified deceased persons.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 49.04, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (d), to require a justice of the peace to conduct an inquest into the death of a person who dies in the county served by the justice if the body of a person is found, the cause or circumstances of death are unknown, and the body is identified or the body is unidentified. Requires a justice of the peace investigating a death described by Subsection (a)(3)(B) to report the death to the missing children and missing persons information clearinghouse of the Department of Public Safety and the national crime information center not later than the 10th working day after the date the investigation began.

SECTION 2. Amends Article 49.07(d), Code of Criminal Procedure, to provide that a person commits a Class C misdemeanor if the person is required by this article to give notice and intentionally or knowingly fails to give the notice. Deletes text regarding a fine not to exceed \$500.

SECTION 3. Amends Article 49.09, Code of Criminal Procedure, to prohibit a person from cremating or directing the cremation of a body subject to investigation under Article 49.04 unless the body is identified and the person has received from the justice of the peace a certificate signed by the justice stating certain information. Provides that a person commits a Class B misdemeanor if the person cremates or directs the cremation of the peace as required by Subsection (b) of this article. Deletes text regarding confinement in jail and a fine. Prohibits a person from cremating or directing the cremation of a body under this article. Requires the justice of the peace, if the body is buried, to record and maintain for not less than 10 years all information pertaining to the body and the location of burial.

SECTION 4. Amends Article 49.10, Code of Criminal Procedure, by adding Subsections (l), (m), and (n), to require a medical examination of an unidentified person to include certain information to enable a timely and accurate identification of the person. Authorizes a medical examination on an unidentified person to include the certain information to enable a timely and accurate identification of the person. Authorizes the medical examiner, upon discovering the body of a deceased person under certain circumstances, to request the aid of a forensic anthropologist in the examination of the body. Requires the forensic anthropologist to be board-certified by a nationally recognized association that accredits practitioners in the forensic sciences. Requires the forensic anthropologist to attempt to establish whether the body is of a human or animal, whether evidence of childbirth, injury, or disease exists, and the sex, race, age, stature, and physical anomalies of the body. Authorizes the forensic anthropologist to also attempt to establish the cause, manner, and time of death.

SECTION 5. Amends Article 49.22(d), Code of Criminal Procedure, to provide that an offense under this article is a Class B misdemeanor, rather than punishable by confinement in jail, by a fine, or by both a fine and confinement.

SECTION 6. Amends Article 49.25, Code of Criminal Procedure, by amending Sections 6, 7, and 9, redesignating existing Section 13 as Section 14 and amending that section, and adding new Sections 10b and 13, as follows:

Sec. 6. DEATH INVESTIGATIONS. Requires a medical examiner or the medical examiner's duly authorized deputy to be authorized and required to hold inquests with or without a jury within the medical examiner's county when the body of a person, rather than human being, is found, the cause or circumstances of death are unknown, and the body is identified, or the body is unidentified. Makes conforming changes.

Sec. 7. REPORTS OF DEATH. Requires a person investigating a death described by Subdivision 3(B) of Section 6(a) to report the death to the missing children and missing persons information clearinghouse of the Department of Public Safety and the national crime information center not later than the 10th working day after the date the investigation began. Requires a medical examination on an unidentified person to include certain information to enable a timely and accurate identification of the person. Makes conforming changes.

Sec. 9. Requires a medical examination on an unidentified person to include the certain information to enable a timely and accurate identification.

Sec. 10b. DISPOSAL OF UNIDENTIFIED BODY. Prohibits a person, if the body of a deceased person is unidentified, from cremating or directing the cremation of the body under this article. Requires the investigating agency responsible for the burial, if the body is buried, to record and maintain for not less than 10 years all information pertaining to the body and the location of burial.

Sec. 13. USE OF FORENSIC ANTHROPOLOGIST. Authorizes the medical examiner, upon discovering the body of a deceased person in the circumstances described by Subdivision 3(B) of Section 6(a), to request the aid of a forensic anthropologist in the examination of the body. Makes conforming changes.

Sec. 14. PENALTY. Provides that a person commits a Class B misdemeanor if the person knowingly violates this article. Deletes text regarding punishment by fine and imprisonment.

SECTION 7. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 8. Emergency clause.