BILL ANALYSIS

Senate Research Center   S.B. 502
                                                                 By: Zaffirini
                                                                Jurisprudence
                                                                       4-1-97
                                                                      As Filed

DIGEST

Currently, Article 49.10(e), Code of Criminal Procedure, requires a justice of the peace to order an autopsy performed on a body if the deceased was a child younger than six years of age and the death was reported under Chapter 264, Family Code. This law is very broad since deaths reported under Chapter 264, Family Code, do not distinguish between naturally occurring deaths and unexpected deaths. The Texas Department of Health reports that 273 autopsies were performed on children on order of the justices of the peace prior to the current law. After the current law was enacted, the number of autopsies on children on order of the justices of the peace was 123. This decrease of ordered autopsies appears to be a backlash from the justices of the peace to the breadth of Article 49.10(e). This bill would modify this provision to require a justice of the peace to order an autopsy performed on a body if the deceased child was younger than six years of age and the death is determined under Section 264.514, Family Code, to be unexpected.

PURPOSE

As proposed, S.B. 502 requires a justice of the peace to order an autopsy performed on a body if the deceased was a child younger than six years of age and the death is determined under Section 264.514, Family Code, to be unexpected.

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 49.10(e), Code of Criminal Procedure, to require a justice of the peace to order an autopsy performed on a body if, among other choices, the deceased was a child younger than six years of age and the death is determined under Section 264.514, Family Code, to be unexpected, rather than for the death to be reported under Chapter 264, Family Code.

SECTION 2.   Effective date: September 1, 1997.
                  Makes application of this Act prospective.

SECTION 3.   Emergency clause.