

BILL ANALYSIS

Senate Research Center
76K5417 MCK-D

S.B. 389
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Health Services
2/12/1999
As Filed

DIGEST

Currently, Texas law requires the sudden or unknown death of a child younger than two years of age to be reported to the coroner, justice of peace, medical examiner, or other proper official. Further, the coroner is authorized to inform the child's legal guardian or parents that an autopsy may be performed; the costs are to be paid by the state. This bill will require the justice of peace or medical examiner to perform an autopsy on a child 12 months or younger whose cause of death is sudden or unknown and to inform the child's legal guardian or parents of the autopsy; the costs are to be paid by the state if the primary cause of death is sudden infant death syndrome. Further, the justice of peace or medical examiner will be required to immediately notify local law enforcement if the death of a child 12 months old or younger is unexpected or the result of abuse or neglect.

PURPOSE

As proposed, S.B. 389 provides for the investigation of certain deaths and performance of autopsies on certain bodies.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 673.002(b), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 673.002, Health and Safety Code, to require any sudden death or unknown cause of death of a child 12 months old or younger to be immediately reported to the medical examiner or other appropriate official. Requires the state to pay reasonable autopsy costs if cause of death is sudden infant death syndrome. Requires the Texas Department of Health to adopt certain rules. Requires notification of child's legal guardian or parents after the autopsy is completed.

SECTION 2. Amends Article 49.04(a), Code of Criminal Procedure, to require a justice of peace to conduct an inquest into the death of a person in their county if the death of a child younger than six years old is unexpected or caused by abuse or neglect as determined by Section 264.514, Family Code.

SECTION 3. Amends Section 264.514(b), Family Code, to require the medical examiner or justice of peace to notify local law enforcement of an unexpected death or death caused by abuse or neglect who will investigate the child's death.

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 5. Emergency clause.