

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 785  
By: Wentworth  
State Affairs  
4/12/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law does not define an "autopsy report" and autopsy reports include photographs and x-rays taken during an autopsy. The lack of an explicit definition leads to uncertainty regarding materials required to be included in an autopsy report, and it is reported that fees authorized to be charged for copies of the autopsy report are inadequate to cover costs. This bill would define an "autopsy report," clarify statutes relating to persons authorized to receive the report, limit public access to autopsy photographs and x-rays, and authorize the commissioners court to set fees for copies of the autopsy report, photographs, and x-rays.

### **PURPOSE**

As proposed, C.S.S.B. 785 sets forth procedures and guidelines for the filing, release, and disclosure of autopsy reports.

### **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 Chapter 671B, Health and Safety Code, as follows:

#### **SUBCHAPTER B. AUTOPSY REPORTS**

Sec. 671.011. New heading: DEFINITION. Defines "autopsy report." Provides that an autopsy report does not include investigative reports or certain other documents.

Sec. 671.012. New heading: FILING AUTOPSY REPORT. Makes no changes.

Sec. 671.013. New heading: RELEASE OF REPORTS; FEES. Requires an autopsy report to be released to an authorized person in connection with workers' compensation or insurance claims. Authorizes a recipient of information under Subsection (a) to disclose confidential information only to the extent consistent with the authorized purposes for which the information was obtained. Requires the commissioners court of the county having custody of an autopsy report to charge a fee not to exceed \$25 for written portions of a report and the actual cost of reproduction, including the reasonable cost of overhead for x-rays and photographs. Deletes a provision regarding a \$5 fee.

SECTION 2. Amends Section 11, Article 49.25, Code of Criminal Procedure, to provide that medical records kept by a medical examiner are subject to required public disclosure in accordance with Chapter 552, Government Code, except that photographs or x-rays are excepted from required disclosure under Chapter 522, but are subject to disclosure under a subpoena or authority of other law, or if the photograph or x-ray is of a body of a person who died while in custody of law enforcement. Deletes provision requiring such records to be public records.

SECTION 3. Effective date: September 1, 1999.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 671.013, Health and Safety Code, to require the commissioners court of the county having custody of an autopsy report to charge a fee not to exceed \$25 for written portions of a report and the actual cost of reproduction, including the reasonable cost of overhead for x-rays and photographs. Deletes a provision subjecting an autopsy report to public disclosure. Deletes a provision regarding a photograph or x-ray. Deletes text requiring a report to contain certain information.

### **SECTION 2.**

Amends Section 11, Article 49.25, Code of Criminal Procedure, to provide that photographs or x-rays are excepted from required disclosure under Chapter 522, Government Code, but are subject to disclosure under a subpoena or authority of other law, or if the photograph or x-ray is of a body of a person who died while in custody of law enforcement. Deletes text regarding Section 671.013, Health and Safety Code.