

## **BILL ANALYSIS**

Senate Research Center  
85R21752 KJE-D

H.B. 298  
By: Larson (Campbell)  
Criminal Justice  
5/21/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties are concerned that the parents of a deceased child are not always given the opportunity to view their child's body before an autopsy is performed. H.B. 298 seeks to address this issue by entitling a parent to view the body before an applicable justice of the peace or medical examiner assumes control over the body.

H.B. 298 amends current law relating to a parent's right to view the body of a deceased child before an autopsy is performed.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 49, Code of Criminal Procedure, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD**

Art. 49.51. DEFINITIONS. Defines "child" and "parent."

Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD. (a) Provides that, except as provided by Subsection (b), a parent of a deceased child is entitled to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body under Subchapter A (Duties Performed By Justices of the Peace) or B (Duties Performed by Medical Examiners), as applicable. Authorizes the viewing, if the child's death occurred at a hospital or other health care facility, to be conducted at the hospital or facility.

(b) Prohibits a parent of a deceased child from viewing the child's body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or B, as applicable, unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(c) Requires that a viewing under Subsection (b) of the body of a deceased child whose death has been determined by a justice of the peace or medical examiner described by Subsection (a) to be subject to an inquest under Article 49.04 (Deaths Requiring an Inquest) or Article 49.25 (Medical Examiners), as applicable, be conducted in compliance with certain conditions.

(d) Provides that a person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner under this article unless the commissioners court of the applicable county approves the compensation.

SECTION 2. Effective date: September 1, 2017.