

## **BILL ANALYSIS**

Senate Research Center  
87R8040 MWC-D

H.B. 4295  
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Health & Human Services  
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Engrossed

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

Hospitals submit public information requests for copies of final autopsy reports related to pending criminal investigations or prosecutions for several reasons, including quality assurance and evaluation, anatomical gift processing, and trauma certification. Because hospitals must submit requests for final autopsy reports via public information requests, fulfilling these requests in effect releases the reports to the public. While these are incredibly important functions that ensure our hospitals continue to maintain lifesaving standards at a time when maximum capacity is being tested, releasing information related to these requests can jeopardize an ongoing criminal case. Thus, interested parties suggest this information needs to be shared in a way that protects its confidentiality. H.B. 4295 allows for hospitals to obtain the information they need directly from the medical examiner without compromising the integrity of a criminal investigation by establishing that the information as released is not subject to state public information law.

H.B. 4295 amends current law relating to the authorized release and confidentiality of an autopsy report.

### **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 Section 11, Article 49.25, Code of Criminal Procedure, by adding Subsection (c), as follows:

(c) Authorizes the medical examiner to release a copy of an autopsy report of a deceased person to any organ and tissue procurement organization, hospital, or other covered entity as defined by Section 181.001 (Definitions), Health and Safety Code, that treated the deceased person before death or procured any anatomical gift from the body of the deceased person. Provides that the release of a report under this subsection is not considered a disclosure under Chapter 552 (Public Information), Government Code. Provides that a report obtained under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 2. Effective date: September 1, 2021.