

By: Hull

H.B. No. 3161

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the duties of a justice of the peace, medical examiner,  
3 or other investigator regarding the bodies of unidentified deceased  
4 persons.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 49.01, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 49.01. DEFINITIONS. (a) In this chapter [~~article~~]:

9 (1) "Autopsy" means a post mortem examination of the  
10 body of a person, including X-rays and an examination of the  
11 internal organs and structures after dissection, to determine the  
12 cause of death or the nature of any pathological changes that may  
13 have contributed to the death.

14 (2) "Inquest" means an investigation into the cause  
15 and circumstances of the death of a person, and a determination,  
16 made with or without a formal court hearing, as to whether the death  
17 was caused by an unlawful act or omission.

18 (3) "Inquest hearing" means a formal court hearing  
19 held to determine whether the death of a person was caused by an  
20 unlawful act or omission and, if the death was caused by an unlawful  
21 act or omission, to obtain evidence to form the basis of a criminal  
22 prosecution.

23 (4) "Institution" means any place where health care  
24 services are rendered, including a hospital, clinic, health

1 facility, nursing home, extended-care facility, out-patient  
2 facility, foster-care facility, and retirement home.

3 (5) "Physician" means a practicing doctor of medicine  
4 or doctor of osteopathic medicine who is licensed by the Texas State  
5 Board of Medical Examiners under Subtitle B, Title 3, Occupations  
6 Code.

7 (b) For purposes of this chapter, a person or body is  
8 considered unidentified if:

9 (1) the deceased person's legal name is unknown; and

10 (2) there is no known person with the duty to inter the  
11 deceased person's remains under Section 711.002(a), Health and  
12 Safety Code.

13 SECTION 2. Article 49.04(a), Code of Criminal Procedure, is  
14 amended to read as follows:

15 (a) A justice of the peace shall conduct an inquest into the  
16 death of a person who dies in the county served by the justice if:

17 (1) the person dies in prison under circumstances  
18 other than those described by Section 501.055(b), Government Code,  
19 or in jail;

20 (2) the person dies an unnatural death from a cause  
21 other than a legal execution;

22 (3) the body or a body part of a person is found and  
23 either:

24 (A) the person is identified but [7] the cause or  
25 circumstances of death are unknown[~~7 and~~

26 [~~(A) the person is identified~~]; or

27 (B) the person is unidentified, regardless of

1 whether the cause or circumstances of death are known;

2 (4) the circumstances of the death indicate that the  
3 death may have been caused by unlawful means;

4 (5) the person commits suicide or the circumstances of  
5 the death indicate that the death may have been caused by suicide;

6 (6) the person dies without having been attended by a  
7 physician;

8 (7) the person dies while attended by a physician who  
9 is unable to certify the cause of death and who requests the justice  
10 of the peace to conduct an inquest; or

11 (8) the person is a child younger than six years of age  
12 and an inquest is required by Chapter 264, Family Code.

13 SECTION 3. Section 6(a), Article 49.25, Code of Criminal  
14 Procedure, is amended to read as follows:

15 (a) Any medical examiner, or his duly authorized deputy,  
16 shall be authorized, and it shall be his duty, to hold inquests with  
17 or without a jury within his county, in the following cases:

18 1. When a person shall die within twenty-four hours  
19 after admission to a hospital or institution or in prison or in  
20 jail;

21 2. When any person is killed; or from any cause dies an  
22 unnatural death, except under sentence of the law; or dies in the  
23 absence of one or more good witnesses;

24 3. When the body or a body part of a person is found and  
25 either:

26 (A) the person is identified but [7] the cause or  
27 circumstances of death are unknown~~[7 and]~~

1                   ~~[(A) the person is identified]~~; or

2                   (B) the person is unidentified, regardless of  
3 whether the cause or circumstances of death are known;

4                   4. When the circumstances of the death of any person  
5 are such as to lead to suspicion that he came to his death by  
6 unlawful means;

7                   5. When any person commits suicide, or the  
8 circumstances of his death are such as to lead to suspicion that he  
9 committed suicide;

10                  6. When a person dies without having been attended by a  
11 duly licensed and practicing physician, and the local health  
12 officer or registrar required to report the cause of death under  
13 Section 193.005, Health and Safety Code, does not know the cause of  
14 death. When the local health officer or registrar of vital  
15 statistics whose duty it is to certify the cause of death does not  
16 know the cause of death, he shall so notify the medical examiner of  
17 the county in which the death occurred and request an inquest;

18                  7. When the person is a child who is younger than six  
19 years of age and the death is reported under Chapter 264, Family  
20 Code; and

21                  8. When a person dies who has been attended  
22 immediately preceding his death by a duly licensed and practicing  
23 physician or physicians, and such physician or physicians are not  
24 certain as to the cause of death and are unable to certify with  
25 certainty the cause of death as required by Section 193.004, Health  
26 and Safety Code. In case of such uncertainty the attending  
27 physician or physicians, or the superintendent or general manager

1 of the hospital or institution in which the deceased shall have  
2 died, shall so report to the medical examiner of the county in which  
3 the death occurred, and request an inquest.

4         SECTION 4. Articles 49.01, 49.04, and 49.25, Code of  
5 Criminal Procedure, as amended by this Act, apply only to an  
6 investigation of a death of an unidentified person that commences  
7 on or after the effective date of this Act. An investigation of the  
8 death of an unidentified person that commences before the effective  
9 date of this Act is governed by the law in effect when the  
10 investigation commenced, and the former law is continued in effect  
11 for that purpose.

12         SECTION 5. This Act takes effect September 1, 2023.