

BILL ANALYSIS

Senate Research Center

S.B. 356
By: Janek
Criminal Justice
8/18/2003
Enrolled

DIGEST AND PURPOSE

Currently, a justice of the peace is only required to conduct an inquest into a person's death when a person's body is found, the cause or circumstances of death are unknown, and the body is either identified or unidentified. S.B. 356 requires an inquest into a person's death when a body part is found, in addition to the other circumstances. This bill also requires the forensic anthropologist, requested by the medical examiner or justice of the peace to aid in the examination of the body or body part, to hold a doctoral degree in anthropology with an emphasis in physical anthropology.

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 Article 49.04(a), Code of Criminal Procedure, to require an inquest into a person's death when a body part is found, in addition to other circumstances in which an inquest is required. Replaces existing text "body" with "person" related to conducting an inquest into a person's death.

SECTION 2. Amends Articles 49.07(a), (b), and (c), Code of Criminal Procedure, to make conforming changes related to an inquest when a body part is found.

SECTION 3. Amends Article 49.09(a), Code of Criminal Procedure, to make conforming changes related to an inquest when a body part is found.

SECTION 4. Amends Article 49.10(n), Code of Criminal Procedure, to authorize the justice of the peace, rather than the medical examiner, to request the aid of a forensic anthropologist in the examination of the body or body part, on discovering the body or body part of a deceased person in the circumstances described by Article 49.04(a)(3)(B). Requires the forensic anthropologist to hold a doctoral degree in anthropology with an emphasis in physical anthropology, rather than be eligible for board certification by a nationally recognized association that accredits practitioners in the forensic sciences.

SECTION 5. Amends Article 49.22(a), Code of Criminal Procedure, to make conforming changes related to an inquest when a body part is found.

SECTION 6. Amends Section 6(a), Article 49.25, Code of Criminal Procedure, to make conforming changes related to an inquest when a body part is found and replacing existing text "body" with "person."

SECTION 7. Amends Section 13, Article 49.25, Code of Criminal Procedure, to make conforming changes relating to an inquest when a body part is found.

SECTION 8. Effective date: September 1, 2003.

SECTION 9. Makes application of this Act prospective.