

By: Keel

H.B. No. 1424

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring superintendents and general managers of
3 institutions to report the deaths of certain individuals; providing
4 a criminal penalty.

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

6 SECTION 1. Subchapter A, Chapter 49, Code of Criminal
7 Procedure, is amended by adding Article 49.24 to read as follows:

8 Art. 49.24. NOTIFICATION AND REPORT OF DEATH OF RESIDENT OF
9 INSTITUTION. (a) A superintendent or general manager of an
10 institution who is required by Article 49.04 to report to a justice
11 of the peace the death of an individual under the care, custody, or
12 control of or residing in the institution shall:

13 (1) notify the office of the attorney general of the
14 individual's death within 24 hours of the death; and

15 (2) prepare and submit to the office of the attorney
16 general a report containing all facts relevant to the individual's
17 death within 72 hours of the death.

18 (b) The superintendent or general manager of the
19 institution shall make a good faith effort to obtain all facts
20 relevant to an individual's death and to include those facts in the
21 report submitted under Subsection (a)(2).

22 (c) The office of the attorney general may investigate each
23 death reported to the office by an institution that receives
24 payments through the medical assistance program under Chapter 32,

1 Human Resources Code.

2 (d) Except as provided by Subsection (e), the office of the
3 attorney general shall make the report submitted under Subsection
4 (a)(2) available to any interested person who submits a written
5 request for access to the report.

6 (e) The office of the attorney general may deny a person
7 access to a report or a portion of a report filed under Subsection
8 (a)(2) if the office determines that the report or a portion of the
9 report is:

10 (1) privileged from discovery; or

11 (2) exempt from required public disclosure under
12 Chapter 552, Government Code.

13 (f) This article does not relieve a superintendent or
14 general manager of an institution of the duty of making any other
15 notification or report of an individual's death as required by law.

16 SECTION 2. Section 7, Article 49.25, Code of Criminal
17 Procedure, is amended by amending Subsection (a) and adding
18 Subsection (c) to read as follows:

19 (a) Any police officer, superintendent or general manager
20 of an institution, physician, or private citizen who shall become
21 aware of a death under any of the circumstances set out in Section
22 6(a) of this Article, shall immediately report such death to the
23 office of the medical examiner or to the city or county police
24 departments; any such report to a city or county police department
25 shall be immediately transmitted to the office of the medical
26 examiner.

27 (c) A superintendent or general manager of an institution

1 who reports a death under Subsection (a) must comply with the notice
2 and reporting requirements of Article 49.24. The office of the
3 attorney general has the same powers and duties provided the office
4 under that article regarding the dissemination and investigation of
5 the report.

6 SECTION 3. Chapter 38, Penal Code, is amended by adding
7 Section 38.19 to read as follows:

8 Sec. 38.19. FAILURE TO PROVIDE NOTICE AND REPORT OF DEATH OF
9 RESIDENT OF INSTITUTION. (a) A superintendent or general manager
10 of an institution commits an offense if, as required by Article
11 49.24 or 49.25, Code of Criminal Procedure, the person fails to:

12 (1) provide notice of the death of an individual under
13 the care, custody, or control of or residing in the institution;

14 (2) submit a report on the death of the individual; or

15 (3) include in the report material facts known or
16 discovered by the person at the time the report was filed.

17 (b) An offense under this section is a Class B misdemeanor.

18 SECTION 4. This Act takes effect September 1, 2003.