

By: Jackson, Mike

S.B. No. 1274

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limiting the inspection of and the public disclosure or
3 release of certain autopsy reports held by a justice of the peace or
4 a medical examiner.

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

6 SECTION 1. Section 27.004, Government Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) This subsection applies only to an autopsy report in
9 which it is concluded that the cause of death was a criminal
10 homicide. Notwithstanding Subsection (a), the autopsy report may
11 be withheld from public inspection or disclosure or release to the
12 public:

13 (1) if the district, county, or criminal district
14 attorney having jurisdiction determines that disclosure or release
15 of the autopsy report would interfere with the detection,
16 investigation, or prosecution of the offense and requests that the
17 report be withheld; or

18 (2) unless disclosure or release is required by a
19 subpoena or by another law.

20 SECTION 2. Article 49.15, Code of Criminal Procedure, is
21 amended by adding Subsection (e) to read as follows:

22 (e) This subsection applies only to an autopsy report in an
23 inquest record in which it is concluded that the cause of death was
24 a criminal homicide. The autopsy report may be withheld from public

1 inspection or disclosure or release to the public:

2 (1) if the district, county, or criminal district
3 attorney having jurisdiction determines that disclosure or release
4 of the autopsy report would interfere with the detection,
5 investigation, or prosecution of the offense; or

6 (2) unless disclosure or release is required by a
7 subpoena or by another law.

8 SECTION 3. Section 11, Article 49.25, Code of Criminal
9 Procedure, is amended to read as follows:

10 Sec. 11. (a) The medical examiner shall keep full and
11 complete records properly indexed, giving the name if known of
12 every person whose death is investigated, the place where the body
13 was found, the date, the cause and manner of death, and shall issue
14 a death certificate. The full report and detailed findings of the
15 autopsy, if any, shall be a part of the record. Copies of all
16 records shall promptly be delivered to the proper district, county,
17 or criminal district attorney in any case where further
18 investigation is advisable. Except as provided by Subsection (b),
19 the [~~The~~] records are subject to required public disclosure in
20 accordance with Chapter 552, Government Code, except that a
21 photograph or x-ray of a body taken during an autopsy is excepted
22 from required public disclosure in accordance with Chapter 552,
23 Government Code, but is subject to disclosure:

24 (1) under a subpoena or authority of other law; or

25 (2) if the photograph or x-ray is of the body of a
26 person who died while in the custody of law enforcement.

27 (b) This subsection applies only to an autopsy report in

1 which the medical examiner concludes that the cause of death was a
2 criminal homicide. The autopsy report may be withheld from public
3 inspection or disclosure or release to the public:

4 (1) if the district, county, or criminal district
5 attorney having jurisdiction determines that disclosure or release
6 of the autopsy report would interfere with the detection,
7 investigation, or prosecution of the offense; or

8 (2) unless disclosure or release is required by a
9 subpoena or by another law.

10 SECTION 4. This Act takes effect September 1, 2005.