

BILL ANALYSIS

C.S.H.B. 1399
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the only judicial officers that are explicitly granted the authority to conduct death inquests are justices of the peace. A problem can easily arise in areas not designated as part of a medical examiner's district if a justice of the peace cannot be found. Allowing municipal court judges to conduct inquests can ease this problem.

C.S.H.B. 1399 authorizes a municipal court judge to conduct an inquest into the death of a person.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1399 amends the Code of Criminal Procedure to authorize a judge of a municipal court to conduct an inquest into the death of a person who dies in the municipality served by the judge to the same extent that a justice of the peace serving the precinct in which the body or body part was found is authorized to conduct an inquest into the death of that person under state law. The bill authorizes the municipal court judge to exercise any power granted to the justice of the peace and requires the judge to perform any duty imposed on the justice of the peace under any state law relating to inquests conducted by a justice of the peace. The bill requires the governing body of a municipality, if the judge in exercising a power or performing a duty under authority relating to conducting a death inquest requests the services or expertise of a person who would be entitled to be paid a fee under law for providing the services or expertise to a justice of the peace, to pay the fee to the same extent a commissioners court is required to pay a fee for the provision of those services or expertise to a justice of the peace, including a fee paid to a county health officer or a physician for a consultation concerning the necessity of obtaining an autopsy, to a physician for performing an autopsy, to a person who conducts a chemical analysis, or to a person who records or transcribes sworn testimony during an inquest hearing. The bill authorizes a person who is required by law to give notice of a death that requires an inquest to a justice of the peace or county judge to instead give notice to a municipal court judge in the municipality in which the body or body part was found.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1399 adds a provision not in the original requiring the governing body of a municipality, if the judge in exercising a power or performing a duty related to an inquest into

the death of a person requests the services or expertise of a person who would be entitled to be paid a fee under law for providing the services or expertise to a justice of the peace, to pay the fee associated with providing the services or expertise to the same extent a commissioners court is required to pay a fee for the provision of those services or expertise to a justice of the peace.