

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB312 by Wentworth (Relating to the regulation and certification of medical examiners and the conduct of autopsy and inquest investigations by justices of the peace and medical examiners; providing penalties.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend various sections of the Code of Criminal Procedure relating to requirements for justices of the peace and medical examiners regarding autopsies and investigations. Among the changes that would have a fiscal impact would be the requirement that a chief medical examiner hold an inquest when a person dies within 24 hours after the person was placed into law enforcement custody or dies as a result of medical treatment or therapy. Various reporting requirements by medical examiners to county officials under current statute would be removed.

The bill would also add Subchapter C to Chapter 49 of the Code of Criminal Procedure to establish procedures for obtaining informed consent prior to the conduct of an autopsy. The commissioner of the Department of State Health Services (DSHS) in consultation with the Texas Medical Board (TMB) would be required to develop an informed autopsy consent form that includes information stated in the bill.

Based on analysis by DSHS and TMB, it is assumed that any costs associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

The fiscal impact to local governments regarding inquests of deaths of persons in law enforcement custody or as a result of medical treatment or therapy would depend on the number of such deaths that occur. The costs are not anticipated to be significant. As an example of potential impact, Midland County (2000 U.S. Census population of 116,009) reports that the current cost of performing an autopsy is \$2,000.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, DB, ESi, MN, TP