

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**February 16, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on 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.), **As Introduced**

<p><b>No fiscal implication to the State is anticipated.</b></p>
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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 could have fiscal implications is the requirement for a justice of the peace (JP) to conduct an inquest into a fetal death in the county served by that JP if certain circumstances exist. Another change would require a chief medical examiner to hold an inquest when a person dies within 24 hours after the person was placed into law enforcement custody, dies as a result of medical treatment or therapy, or when a fetal death occurs under certain circumstances. Various reporting requirements by medical examiners to county officials under current statute would be removed.

The office of a medical examiner would be required to submit an application for accreditation by the National Association of Medical Examiners or equivalent organization not later than the second anniversary of the date the office is established and to obtain accreditation not later than the second anniversary after submitting the application. However, a medical examiner's office that was established on or before the effective date of the bill, which would be September 1, 2009, would not be required to obtain certification until September 1, 2013.

**Local Government Impact**

The fiscal impact to local governments regarding inquests of certain fetal deaths, 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. Montgomery County (U.S. Census population of 293,768 in 2000 and estimated population of 412,638 in 2007), estimates new operational costs for an autopsy/inquest for applicable fetal deaths would be \$57,000 in fiscal year 2010, increasing incrementally each fiscal year thereafter, reaching \$70,500 in fiscal year 2014. These costs would be moderate to significant for the budget of the affected departments, although insignificant to the county budget as a whole.

**Source Agencies:** 503 Texas Medical Board

**LBB Staff:** JOB, TP, DB