

By: Anderson of McLennan

H.B. No. 3546

A BILL TO BE ENTITLED

AN ACT

relating to requiring the performance of an autopsy when death is caused or apparently caused by suicide.

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

SECTION 1. Article 49.10, Code of Criminal Procedure, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) A justice of the peace shall order an autopsy performed on a body if:

(1) the justice determines that an autopsy is necessary to determine or confirm the nature and cause of death;

(2) the deceased was a child younger than six years of age and the death is determined under Section 264.514, Family Code, to be unexpected or the result of abuse or neglect; ~~or~~

(3) directed to do so by the district attorney, criminal district attorney, or, if there is no district or criminal district attorney, the county attorney; or

(4) the deceased committed suicide or the circumstances of the death indicate that the death may have been caused by suicide.

(e-1) A complete autopsy is required in circumstances described by Subsection (e)(4).

SECTION 2. Section 9(a), Article 49.25, Code of Criminal Procedure, is amended to read as follows:

1 (a)(1) If the cause of death shall be determined beyond a
2 reasonable doubt as a result of the investigation, the medical
3 examiner shall file a report thereof setting forth specifically the
4 cause of death with the district attorney or criminal district
5 attorney, or in a county in which there is no district attorney or
6 criminal district attorney with the county attorney, of the county
7 in which the death occurred.

8 (2) If in the opinion of the medical examiner an
9 autopsy is necessary, if the deceased committed suicide or the
10 circumstances of the death indicate that the death may have been
11 caused by suicide, or if an autopsy [~~such~~] is requested by the
12 district attorney or criminal district attorney, or county attorney
13 where there is no district attorney or criminal district attorney,
14 the autopsy shall be immediately performed by the medical examiner
15 or a duly authorized deputy.

16 (3) In those cases where a complete autopsy is deemed
17 unnecessary by the medical examiner to ascertain the cause of
18 death, the medical examiner may perform a limited autopsy involving
19 the taking of blood samples or any other samples of body fluids,
20 tissues or organs, in order to ascertain the cause of death or
21 whether a crime has been committed. A complete autopsy is required
22 if the deceased committed suicide or the circumstances of the death
23 indicate that the death may have been caused by suicide.

24 (4) In the case of a body of a human being whose
25 identity is unknown, the medical examiner may authorize such
26 investigative and laboratory tests and processes as are required to
27 determine its identity as well as the cause of death.

1 (5) In performing an autopsy the medical examiner or
2 authorized deputy may use the facilities of any city or county
3 hospital within the county or such other facilities as are made
4 available.

5 (6) Upon completion of the autopsy, the medical
6 examiner shall file a report setting forth the findings in detail
7 with the office of the district attorney or criminal district
8 attorney of the county, or if there is no district attorney or
9 criminal district attorney, with the county attorney of the county.

10 SECTION 3. The change in law made by this Act applies only
11 to a death reported under Chapter 49, Code of Criminal Procedure, on
12 or after the effective date of this Act. A death reported before
13 the effective date of this Act is governed by the law in effect at
14 the time the death was reported, and the former law is continued in
15 effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2011.