

By: Wentworth

S.B. No. 133

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation and certification of medical examiners
3 and the conduct of autopsy and inquest investigations by justices
4 of the peace and medical examiners; providing penalties.

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

6 SECTION 1. Article 49.01, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 49.01. DEFINITIONS. In this chapter [~~article~~]:

9 (1) "Autopsy" means a post mortem examination of the
10 body of a person, including an external examination of the body
11 [~~X-rays~~] and an examination of the internal organs [~~and structures~~
12 ~~after dissection~~], to determine the cause and manner of death or the
13 nature of any pathological changes that may have contributed to the
14 death or to obtain information or material for evidentiary or
15 identification purposes. The forensic pathologist or physician
16 performing the autopsy may limit the individuals in attendance at
17 the examination and may vary the extent of the examination. The
18 examination may include:

- 19 (A) radiographs;
20 (B) a microscopic examination;
21 (C) retention of an organ part or whole organ;
22 (D) an anthropologic examination;
23 (E) a dental examination;
24 (F) any other procedure considered necessary by

1 the examining forensic pathologist or physician; or

2 (G) at the discretion of the medical examiner,
3 the medical examiner's designee, or the justice of the peace, as
4 appropriate, an in-person examination of the scene of death or
5 injury or an examination of the scene through reports or
6 photographs related to the injury or death.

7 (1-a) "Forensic pathologist" means a physician who is
8 board certified in anatomic and forensic pathology by the American
9 Board of Pathology.

10 (2) "Inquest" means an investigation into the cause
11 and circumstances of the death of a person, and a determination,
12 made with or without a formal court hearing, as to whether the death
13 was caused by an unlawful act or omission. The term includes each
14 level of the investigation, from rudimentary information gathering
15 to a complete autopsy examination and formal hearing.

16 (3) "Inquest hearing" means a formal court hearing
17 held to determine whether the death of a person was caused by an
18 unlawful act or omission and, if the death was caused by an unlawful
19 act or omission, to obtain evidence to form the basis of a criminal
20 prosecution.

21 (4) "Institution" means any place where health care
22 services are rendered, including a hospital, clinic, health
23 facility, nursing home, extended-care facility, out-patient
24 facility, foster-care facility, and retirement home.

25 (5) "Physician" means a practicing doctor of medicine
26 or doctor of osteopathic medicine who is licensed by the Texas
27 [~~State Board of~~] Medical Board [~~Examiners~~] under Subtitle B, Title

1 3, Occupations Code.

2 SECTION 2. Section 1, Article 49.25, Code of Criminal
3 Procedure, is amended to read as follows:

4 Sec. 1. OFFICE AUTHORIZED. Subject to the provisions of
5 this Article [~~Act~~], the Commissioners Court of any county having a
6 population of more than one million [~~and not having a reputable~~
7 ~~medical school as defined in Articles 4501 and 4503, Revised Civil~~
8 ~~Statutes of Texas,~~] shall establish and maintain the office of
9 medical examiner, and the Commissioners Court of any county may
10 establish and provide for the maintenance of the office of medical
11 examiner. Population shall be according to the last preceding
12 federal census.

13 SECTION 3. Subsection (b), Section 1-a, Article 49.25, Code
14 of Criminal Procedure, is amended to read as follows:

15 (b) There may be only one chief medical examiner in a
16 medical examiners district, although the chief medical examiner
17 [~~he~~] may employ, within the district, necessary staff personnel,
18 including deputy medical examiners. When a county becomes a part of
19 a medical examiners district, the effect is the same within the
20 county as if the office of medical examiner had been established in
21 that county alone. A [~~The~~] district medical examiner has all the
22 powers and duties within the district that a medical examiner who
23 serves in a single county has within that county.

24 SECTION 4. Section 2, Article 49.25, Code of Criminal
25 Procedure, is amended to read as follows:

26 Sec. 2. APPOINTMENTS AND QUALIFICATIONS. (a) The
27 commissioners court shall appoint the chief medical examiner, who

1 serves [~~shall serve~~] at the pleasure of the commissioners court.

2 The chief medical examiner must be:

3 (1) board certified in anatomic and forensic pathology
4 by the American Board of Pathology; and

5 (2) [No person shall be appointed medical examiner
6 unless he is] a physician licensed by the Texas [State Board of]
7 Medical Board [Examiners. To the greatest extent possible, the
8 medical examiner shall be appointed from persons having training
9 and experience in pathology, toxicology, histology and other
10 medico-legal sciences].

11 (b) The chief medical examiner shall devote the [so much of
12 his] time and energy [as is] necessary to perform [in the
13 performance of] the duties conferred by this Article.

14 SECTION 5. Section 3, Article 49.25, Code of Criminal
15 Procedure, is amended to read as follows:

16 Sec. 3. ASSISTANTS. (a) The chief medical examiner may,
17 subject to the approval of the commissioners court, employ the
18 [such] deputy medical examiners, medical, dental, or anthropologic
19 consultants, scientific experts, trained technicians, officers,
20 and employees [as may be] necessary to properly perform [the proper
21 performance of] the duties imposed by this Article on [upon] the
22 chief medical examiner.

23 (b) A deputy medical examiner must:

24 (1) be board certified in anatomic and forensic
25 pathology; or

26 (2) have satisfactorily completed accredited
27 residency and fellowship training programs in anatomic and forensic

1 pathology and, not later than the third anniversary of the date the
2 training programs were completed, be board certified in anatomic
3 and forensic pathology.

4 SECTION 6. Section 4, Article 49.25, Code of Criminal
5 Procedure, is amended to read as follows:

6 Sec. 4. SALARIES. The commissioners court shall establish
7 and pay the salaries and compensations of the chief medical
8 examiner and the chief medical examiner's [~~his~~] staff.

9 SECTION 7. Section 5, Article 49.25, Code of Criminal
10 Procedure, is amended to read as follows:

11 Sec. 5. OFFICES. The commissioners court shall provide the
12 chief medical examiner and the chief medical examiner's [~~his~~] staff
13 with adequate office space and shall provide laboratory facilities
14 or make arrangements for the use of existing laboratory facilities
15 in the county, if [~~so~~] requested by the chief medical examiner.

16 SECTION 8. Section 6, Article 49.25, Code of Criminal
17 Procedure, is amended to read as follows:

18 Sec. 6. DEATH INVESTIGATIONS. (a) A chief [~~Any~~] medical
19 examiner, or the chief medical examiner's [~~his~~] duly authorized
20 deputy medical examiner, shall [~~be authorized, and it shall be his~~
21 ~~duty, to~~] hold inquests with or without a jury in the [~~within his~~]
22 county in which the office is established[~~7~~] in the following
23 cases:

24 (1) [~~1.~~] When a person dies [~~shall die~~] within
25 twenty-four hours after the person is:

26 (A) admitted [~~admission~~] to a hospital or
27 institution;

1 (B) confined ~~[or]~~ in prison or in jail; or
2 (C) placed in law enforcement custody;
3 (2) [2.] When any person:
4 (A) is killed;
5 (B) ~~[or]~~ from any cause dies an unnatural death,
6 except under sentence of the law;
7 (C) ~~[or]~~ dies in the absence of one or more good
8 witnesses; or
9 (D) dies as a result of medical treatment or
10 therapy;
11 (3) [3.] When the body or a body part of a person is
12 found and ~~[7]~~ the cause or circumstances of death are unknown ~~[7, and:~~
13 ~~[(A) the person is identified; or~~
14 ~~[(B) the person is unidentified];~~
15 (4) [4.] When the circumstances of the death of any
16 person ~~[are such as to]~~ lead to suspicion that the person died ~~[he~~
17 ~~came to his death]~~ by unlawful means;
18 (5) [5.] When any person commits suicide, or the
19 circumstances of the person's ~~[his]~~ death ~~[are such as to]~~ lead to
20 suspicion that the person ~~[he]~~ committed suicide;
21 (6) [6.] When a person dies who has not ~~[without~~
22 ~~having]~~ been attended during the preceding year by a duly licensed
23 and practicing physician ~~[7, and the local health officer or~~
24 ~~registrar required to report the cause of death under Section~~
25 ~~193.005, Health and Safety Code, does not know the cause of death.~~
26 ~~When the local health officer or registrar of vital statistics~~
27 ~~whose duty it is to certify the cause of death does not know the~~

1 ~~cause of death, he shall so notify the medical examiner of the~~
2 ~~county in which the death occurred and request an inquest];~~

3 (7) [7.] When the person is a child ~~[who is]~~ younger
4 than six years of age and the death is reported under Chapter 264,
5 Family Code;

6 (8) When an unidentified person dies; and

7 (9) [8.] When a person dies who has been attended
8 immediately preceding the person's ~~[his]~~ death by a duly licensed
9 and practicing physician or physicians~~[7]~~ and the ~~[such]~~ physician
10 or physicians ~~[are not certain as to the cause of death and]~~ are
11 unable to certify to a reasonable degree of medical probability
12 ~~[with certainty]~~ the cause of death as required by Section 193.005
13 ~~[193.004]~~, Health and Safety Code.

14 (a-1) If a physician is unable to certify the cause of death
15 to a reasonable degree of medical probability, ~~[In case of such~~
16 ~~uncertainty]~~ the attending physician or physicians, or the
17 superintendent or general manager of the hospital or institution in
18 which the deceased ~~[shall have]~~ died, shall ~~[so]~~ report the
19 inability to the chief medical examiner of the county in which the
20 death occurred~~[7]~~ and request an inquest.

21 (a-2) If the chief medical examiner or an authorized deputy
22 medical examiner determines after performing an inquest that the
23 death is due to natural causes and the deceased person was attended
24 by a physician at the time of death or during the preceding year,
25 the medical examiner may waive the medical examiner's authority to
26 further investigate the case. If the medical examiner waives the
27 authority to further investigate the case, the attending physician

1 shall certify the cause of death.

2 (b) The inquests authorized and required by this Article
3 shall be held by the chief medical examiner or an authorized deputy
4 medical examiner of the county in which the death occurred.

5 (c) In making such investigations and holding such
6 inquests, the chief medical examiner or an authorized deputy
7 medical examiner may administer oaths and take affidavits. In the
8 absence of next of kin or legal representatives of the deceased, the
9 chief medical examiner or authorized deputy medical examiner shall
10 take charge of the body and all property found with it.

11 (d) The chief medical examiner or an authorized deputy
12 medical examiner may subpoena medical records, law enforcement
13 records, or other types of records required to perform the duties
14 imposed under this section.

15 SECTION 9. Section 6a, Article 49.25, Code of Criminal
16 Procedure, is amended to read as follows:

17 Sec. 6a. ORGAN TRANSPLANT DONORS; NOTICE; INQUESTS. (a)
18 When death occurs to an individual designated a prospective organ
19 donor for transplantation by a licensed physician under
20 circumstances requiring the chief medical examiner of the county in
21 which death occurred, or the chief medical examiner's authorized
22 deputy medical examiner, to hold an inquest, the chief medical
23 examiner, or a member of the chief medical examiner's [~~his~~] staff,
24 shall [~~will~~] be [~~so~~] notified by the administrative head of the
25 facility in which the prospective donor is located [~~transplantation~~
26 ~~is to be performed~~].

27 (b) When notified pursuant to Subsection (a) of this

1 Section, the chief medical examiner or the chief medical examiner's
2 authorized deputy medical examiner shall perform an inquest on the
3 deceased prospective organ donor.

4 (c) Subject to the procedures and requirements established
5 by Section 693.002, Health and Safety Code, the chief medical
6 examiner or an authorized deputy medical examiner may:

7 (1) determine before or after the medical examiner
8 examines the body of the deceased that the release of organs or
9 tissues for transplant purposes will likely hinder the
10 determination of the cause or manner of death or compromise an
11 evidentiary aspect of the examination; and

12 (2) based on the determination, prohibit or limit the
13 extent of the organ or tissue removal.

14 SECTION 10. Section 7(b), Article 49.25, Code of Criminal
15 Procedure, is amended to read as follows:

16 (b) A person investigating the [a] death of an unidentified
17 person [described by Subdivision 3(B) of Section 6(a)] shall report
18 the death to the missing children and missing persons information
19 clearinghouse of the Department of Public Safety and the national
20 crime information center not later than the 10th working day after
21 the date the investigation began.

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

24 Sec. 8. REMOVAL OF BODIES. When any death under
25 circumstances set out in Section 6 of this Article occurs [~~shall~~
26 ~~have occurred~~], the body shall not be disturbed or removed from the
27 position in which it is found by any person without authorization

1 from the chief medical examiner or an authorized deputy medical
2 examiner, except for the purpose of preserving the [~~such~~] body from
3 loss or destruction or maintaining the flow of traffic on a highway,
4 railroad, or airport.

5 SECTION 12. Section 9, Article 49.25, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 9. AUTOPSY. (a) If the cause of death is [~~shall be~~]
8 determined beyond a reasonable doubt as a result of the
9 investigation, the chief medical examiner or an authorized deputy
10 medical examiner shall prepare [~~file~~] a report on the investigation
11 [~~thereof~~] setting forth specifically the cause of death and file
12 the report with the district attorney or criminal district
13 attorney, or in a county in which there is no district attorney or
14 criminal district attorney with the county attorney, of the county
15 in which the death occurred.

16 (b) If in the opinion of the chief medical examiner or an
17 authorized deputy medical examiner an autopsy is necessary to
18 determine the cause or manner of death, to better determine any
19 pathological or injurious process present, or to obtain evidence
20 for a potential legal proceeding or for identification purposes, or
21 if the autopsy [~~such~~] is requested by the district attorney or
22 criminal district attorney, or county attorney where there is no
23 district attorney or criminal district attorney, the autopsy shall
24 be [~~immediately~~] performed by the chief medical examiner or a duly
25 authorized deputy medical examiner. In [~~those~~] cases where a
26 complete autopsy is considered [~~deemed~~] unnecessary by the medical
27 examiner to ascertain the cause of death, the medical examiner may

1 perform a limited autopsy or external inspection of the body that
2 may include [~~involving the~~] taking [~~of~~] blood samples or any other
3 samples of body fluids, tissues, or organs [~~, in order~~] to ascertain
4 the cause of death or whether a crime has been committed.

5 (c) If [~~In~~] the identity [~~case~~] of a body of a human being
6 [~~whose identity~~] is unknown, the chief medical examiner or
7 authorized deputy medical examiner may authorize the [~~such~~]
8 investigative and laboratory tests and processes [~~as are~~] required
9 to determine the [~~its~~] identity and [~~as well as~~] the cause of death.

10 (d) The extent of an autopsy is solely at the discretion of
11 the chief medical examiner or authorized deputy medical examiner.

12 (e) The chief medical examiner or an authorized deputy
13 medical examiner is not required to notify or seek any approval from
14 a deceased person's next of kin to perform an autopsy or any other
15 type of examination related to an autopsy.

16 (f) On [~~In performing an autopsy the medical examiner or~~
17 ~~authorized deputy may use the facilities of any city or county~~
18 ~~hospital within the county or such other facilities as are made~~
19 ~~available. Upon~~] completion of the autopsy, the medical examiner
20 performing the autopsy shall prepare [~~file~~] a report setting forth
21 the findings in detail and file the report with the office of the
22 district attorney or criminal district attorney of the county, or
23 if there is no district attorney or criminal district attorney,
24 with the county attorney of the county.

25 (g) [~~(b)~~] A medical examination on an unidentified person
26 shall include the following information to enable a timely and
27 accurate identification of the person:

- 1 (1) all available fingerprints and palm prints;
- 2 (2) dental charts and radiographs (X-rays) of the
3 person's teeth;
- 4 (3) [~~frontal and lateral~~] facial photographs with
5 scale indicated;
- 6 (4) notation [~~and photographs, with scale indicated,~~]
7 of a significant scar, mark, tattoo, or item of clothing or other
8 personal effect found with or near the body;
- 9 (5) notation of any identified antemortem medical
10 conditions; and
- 11 (6) notation of observations pertinent to the
12 estimation of time of death[~~, and~~
- 13 [~~(7) precise documentation of the location of burial~~
14 ~~of the remains~~].

15 (h) [~~(c)~~] A medical examination on an unidentified person
16 may include the following information to enable a timely and
17 accurate identification of the person:

- 18 (1) full body radiographs (X-rays); and
- 19 (2) [~~hair~~] specimens from the body for DNA
20 characterization and comparison [~~with roots~~].

21 (i) The chief medical examiner or an authorized deputy
22 medical examiner performing an autopsy of a deceased person may
23 retain an organ or part of an organ if the medical examiner
24 determines that retaining the organ or organ part is necessary for
25 further examination and testing. After completing the examination
26 or testing on the organ or organ part, the medical examiner shall:

- 27 (1) retain the organ or organ part as required by law

1 or by published professional or accreditation standards;

2 (2) dispose of the organ or organ part as a hazardous
3 biological specimen; or

4 (3) release the organ or organ part to the funeral
5 establishment or crematory under Subsection (m)(2).

6 (j) The chief medical examiner or an authorized deputy
7 medical examiner may not be required to perform an autopsy on a
8 person whose death resulted from a highly infectious disease or a
9 chemical or radiological agent that presents a hazard to the
10 medical examiner, the medical examiner's staff, or the public.

11 (k) Except as provided by Subsection (l), a medical examiner
12 may not perform an autopsy on a deceased person if the medical
13 examiner receives before the performance of the autopsy a notarized
14 affidavit signed by the person before the person's death that
15 states the person's objection for religious reasons to the
16 performance of an autopsy on the person after the person's death.

17 (l) The chief medical examiner or an authorized deputy
18 medical examiner may perform an autopsy on a deceased person
19 following receipt of a notarized affidavit under Subsection (k) if
20 the chief medical examiner determines a compelling public necessity
21 exists to perform the autopsy on the deceased person despite the
22 objection.

23 (m) If a medical examiner performs the autopsy despite
24 receipt of a notarized affidavit under Subsection (k), the medical
25 examiner shall:

26 (1) use the least invasive means possible in the
27 performance of the autopsy; and

1 (2) notwithstanding Subsection (i), release to the
2 funeral establishment or crematory any organ or organ part retained
3 by the medical examiner, except as required by law or by published
4 professional or accreditation standards.

5 (n) In this section, "compelling public necessity" means:

6 (1) a criminal homicide investigation in which the
7 deceased person is the victim;

8 (2) an immediate and substantial threat to public
9 health;

10 (3) the death of a child under 12 years of age for
11 which the cause of death is not apparent and neglect or a threat to
12 public health was suspected;

13 (4) the cause or manner of death of the deceased person
14 is not apparent after a diligent investigation by the medical
15 examiner; or

16 (5) the autopsy is required by law.

17 SECTION 13. Section 10, Article 49.25, Code of Criminal
18 Procedure, is amended to read as follows:

19 Sec. 10. DISINTERMENTS AND CREMATIONS. (a) The chief
20 medical examiner or an authorized deputy [~~When a body upon which an~~
21 ~~inquest ought to have been held has been interred, the~~] medical
22 examiner may cause a body that has been interred and on which an
23 inquest should have been held [~~it~~] to be disinterred for the purpose
24 of holding the [~~such~~] inquest.

25 (b) A [~~Before any~~] body on [~~upon~~] which an inquest is
26 authorized by [~~the provisions of~~] this Article may not [~~can~~] be
27 [~~lawfully~~] cremated unless [~~an~~] examination is [~~autopsy shall be~~]

1 performed on the body [~~thereon~~] as provided in this Article[~~7~~] or a
2 certificate that the examination [~~no autopsy~~] was not necessary is
3 [~~shall be~~] furnished by the chief medical examiner or an authorized
4 deputy medical examiner.

5 (c) Before a [~~any~~] dead body may [~~can~~] be [~~lawfully~~]
6 cremated, the owner or operator of the crematory shall demand and be
7 furnished with a certificate, signed by the chief medical examiner
8 or an authorized deputy medical examiner of the county in which the
9 death occurred stating [~~showing~~] that:

10 (1) an examination [~~autopsy~~] was performed on the
11 [~~said~~] body; or

12 (2) an examination on the body [~~that no autopsy~~
13 ~~thereon~~] was not necessary.

14 (d) The chief medical examiner or an authorized deputy [~~It~~
15 ~~shall be the duty of the~~] medical examiner shall [~~to~~] determine
16 whether or not, from all the circumstances surrounding the death,
17 an examination [~~autopsy~~] is necessary prior to issuing a
18 certificate under [~~the provisions of~~] this section.

19 (e) The owner or operator of a crematory requesting
20 authorization to cremate a body shall provide the chief medical
21 examiner or an authorized deputy medical examiner with a legible
22 and properly completed death certificate.

23 (f) A medical examiner is not required to perform an
24 examination [~~No autopsy shall be required by the medical examiner~~]
25 as a prerequisite to cremation if the [~~in case~~] death was [~~is~~]
26 caused by [~~the~~] pestilential or highly infectious diseases [~~of~~
27 ~~Asiatic cholera, bubonic plague, typhus fever, or smallpox~~].

1 (g) All certificates furnished to the owner or operator of a
2 crematory by any medical examiner, under the terms of this Article,
3 shall be preserved by the [~~such~~] owner or operator until the second
4 anniversary of [~~such crematory for a period of two years from~~] the
5 date of the body's cremation [~~of said body~~].

6 (h) A medical examiner is not required to perform an autopsy
7 on the body of a deceased person whose death was caused by a
8 communicable disease during a public health disaster.

9 SECTION 14. Section 10a, Article 49.25, Code of Criminal
10 Procedure, is amended to read as follows:

11 Sec. 10a. WAITING PERIOD BETWEEN DEATH AND CREMATION. (a)
12 The body of a deceased person shall not be cremated within 48 hours
13 after the time of death as indicated on the regular death
14 certificate, unless:

15 (1) the death certificate indicates death was caused
16 by [~~the~~] pestilential or highly infectious diseases; [~~of Asiatic~~
17 ~~cholera, bubonic plague, typhus fever, or smallpox,~~] or

18 (2) [~~unless~~] the time requirement is waived in writing
19 by the chief [~~county~~] medical examiner for a county or district or,
20 in counties without [~~not having~~] a [~~county~~] medical examiner, a
21 justice of the peace.

22 (b) In a public health disaster, the commissioner of state
23 [~~public~~] health services may designate other communicable diseases
24 for which cremation within 48 hours of the time of death is
25 authorized.

26 SECTION 15. Section 11, Article 49.25, Code of Criminal
27 Procedure, is amended to read as follows:

1 Sec. 11. RECORDS. (a) A ~~[The]~~ medical examiner shall:

2 (1) keep full and complete records properly indexed
3 that include~~[, giving]~~ the name if known of every person whose death
4 is investigated, the place where the body was found, the date, and
5 the cause and manner of death;~~[,]~~ and

6 (2) ~~[shall]~~ issue a death certificate.

7 (b) The full report and detailed findings of the autopsy, if
8 any, shall be a part of the record.

9 (c) ~~[Copies of all records shall promptly be delivered to
10 the proper district, county, or criminal district attorney in any
11 case where further investigation is advisable.]~~ The records are
12 subject to required public disclosure in accordance with Chapter
13 552, Government Code, except that a photograph or x-ray of a body
14 taken during a medical examiner investigation ~~[an autopsy]~~ is
15 excepted from required public disclosure in accordance with Chapter
16 552, Government Code, but is subject to disclosure:

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

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

20 SECTION 16. Section 12, Article 49.25, Code of Criminal
21 Procedure, is amended to read as follows:

22 Sec. 12. TRANSFER OF DUTIES OF JUSTICE OF PEACE. When the
23 commissioners court of any county establishes ~~[shall establish]~~ the
24 office of medical examiner, all powers and duties of justices of the
25 peace in the ~~[such]~~ county relating to the investigation of deaths
26 and inquests ~~[shall]~~ vest in the office of ~~[the]~~ medical examiner.
27 Any subsequent General Law pertaining to the duties of justices of

1 the peace in death investigations and inquests [~~shall~~] apply to the
2 chief medical examiner in the county [~~such counties as~~] to the
3 extent not inconsistent with this Article, and all laws or parts of
4 laws otherwise in conflict with this Article [~~herewith~~] are
5 [~~hereby~~] declared [~~to be~~] inapplicable to this Article.

6 SECTION 17. Section 14(a), Article 49.25, Code of Criminal
7 Procedure, is amended to read as follows:

8 (a) A person commits an offense if the person knowingly
9 violates this article or knowingly provides false information to a
10 medical examiner in the performance by the medical examiner of an
11 investigation under this article.

12 SECTION 18. Section 13, Article 49.25, Code of Criminal
13 Procedure, is repealed.

14 SECTION 19. Article 49.25, Code of Criminal Procedure, is
15 amended by adding Sections 13A and 13B to read as follows:

16 Sec. 13A. FEES. A medical examiner may charge reasonable
17 fees for services provided by the office of medical examiner under
18 this Article, including cremation approvals, court testimonies,
19 consultations, and depositions.

20 Sec. 13B. EDUCATION AND RESEARCH. (a) A medical examiner
21 may use for educational or teaching purposes photographs taken
22 during a death investigation.

23 (b) The office of medical examiner may engage in educational
24 and research activities that do not interfere with the performance
25 of the duties imposed on the office under this Article.

26 SECTION 20. Notwithstanding Sections 2 and 3, Article
27 49.25, Code of Criminal Procedure, as amended by this Act, a person

1 serving as the chief medical examiner or a deputy medical examiner
2 for a medical examiners district or county in this state on the
3 effective date of this Act is not required to be board certified in
4 anatomic and forensic pathology by the American Board of Pathology
5 to continue to hold that position of chief medical examiner or
6 deputy medical examiner for that district or county.

7 SECTION 21. This Act takes effect September 1, 2011.