

1-1 By: Rodriguez S.B. No. 457
 1-2 (In the Senate - Filed February 8, 2013; February 13, 2013,
 1-3 read first time and referred to Committee on Open Government;
 1-4 April 2, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 4, Nays 0; April 2, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 457 By: Davis

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the confidentiality of certain autopsy records.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 11, Article 49.25, Code of Criminal
 1-20 Procedure, is amended to read as follows:
 1-21 Sec. 11. RECORDS. (a) The medical examiner shall keep
 1-22 full and complete records properly indexed, giving the name if
 1-23 known of every person whose death is investigated, the place where
 1-24 the body was found, the date, the cause and manner of death, and
 1-25 shall issue a death certificate. The full report and detailed
 1-26 findings of the autopsy, if any, shall be a part of the record.
 1-27 Copies of all records shall promptly be delivered to the proper
 1-28 district, county, or criminal district attorney in any case where
 1-29 further investigation is advisable. The records may not be
 1-30 withheld, subject to a discretionary exception under ~~[are subject~~
 1-31 ~~to required public disclosure in accordance with]~~ Chapter 552,
 1-32 Government Code, except that a photograph or x-ray of a body taken
 1-33 during an autopsy is excepted from required public disclosure in
 1-34 accordance with Chapter 552, Government Code, but is subject to
 1-35 disclosure:
 1-36 (1) under a subpoena or authority of other law; or
 1-37 (2) if the photograph or x-ray is of the body of a
 1-38 person who died while in the custody of law enforcement.
 1-39 (b) Under the exception to public disclosure provided by
 1-40 Subsection (a), a governmental body as defined by Section 552.003,
 1-41 Government Code, may withhold a photograph or x-ray described by
 1-42 Subsection (a) without requesting a decision from the attorney
 1-43 general under Subchapter G, Chapter 552, Government Code. This
 1-44 subsection does not affect the required disclosure of a photograph
 1-45 or x-ray under Subsection (a)(1) or (2).
 1-46 SECTION 2. The changes in law made by this Act apply only to
 1-47 a request for information that is received by a governmental body or
 1-48 an officer for public information on or after the effective date of
 1-49 this Act. A request for information that was received before the
 1-50 effective date of this Act is governed by the law in effect on the
 1-51 date the request was received, and the former law is continued in
 1-52 effect for that purpose.
 1-53 SECTION 3. This Act takes effect September 1, 2013.

1-54 * * * * *