

By: Campbell
(White of Tyler)

S.B. No. 1086

Substitute the following for S.B. No. 1086:

By: Herrero

C.S.S.B. No. 1086

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a parent's right to view the body of a deceased child
3 before an autopsy is performed.

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

5 SECTION 1. Chapter 49, Code of Criminal Procedure, is
6 amended by adding Subchapter D to read as follows:

7 SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

8 Art. 49.51. DEFINITIONS. In this subchapter:

9 (1) "Child" means a person younger than 18 years of
10 age.

11 (2) "Parent" has the meaning assigned by Section
12 160.102(11), Family Code.

13 Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD. (a)
14 Except as provided by Subsection (b), a parent of a deceased child
15 whose death occurred at a hospital or other institution is entitled
16 to view the child's body, if practicable, before the body is
17 examined by a justice of the peace or the medical examiner, as
18 applicable, for the county in which the death occurred.

19 (b) A parent of a deceased child whose death did not occur at
20 a hospital or other institution may not view or otherwise have
21 contact with the child's body after a justice of the peace or
22 medical examiner described by Subsection (a) assumes control over
23 the body under Subchapter A or B, as applicable, unless the parent
24 first obtains the consent of the justice of the peace or medical

1 examiner or a person acting on behalf of the justice of the peace or
2 medical examiner.

3 (c) A viewing under Subsection (b) must be supervised by a
4 physician, registered nurse, or licensed vocational nurse or by the
5 justice of the peace or the medical examiner or a person acting on
6 behalf of the justice of the peace or medical examiner.

7 (d) A person may not remove a medical device from the
8 child's body or otherwise alter the condition of the body for
9 purposes of conducting a viewing under this article unless the
10 person first obtains the consent of the justice of the peace or
11 medical examiner or a person acting on behalf of the justice of the
12 peace or medical examiner.

13 SECTION 2. This Act takes effect September 1, 2015.