

1-1 By: Campbell S.B. No. 1086
1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 23, 2015, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 23, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

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

1-17 relating to a parent's right to view the body of a deceased child
1-18 before an autopsy is performed.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 49, Code of Criminal Procedure, is
1-21 amended by adding Subchapter D to read as follows:

1-22 SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

1-23 Art. 49.51. DEFINITIONS. In this subchapter:

1-24 (1) "Child" means a person younger than 18 years of
1-25 age.

1-26 (2) "Department" means the Department of Family and
1-27 Protective Services.

1-28 (3) "Prosecuting attorney" means a county attorney,
1-29 district attorney, or criminal district attorney.

1-30 Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD ABSENT
1-31 COURT ORDER. (a) A parent of a deceased child is entitled to view
1-32 the child's body before an autopsy is performed, if practicable,
1-33 unless a prosecuting attorney or the department obtains a court
1-34 order to prevent or postpone the viewing under Article 49.53.

1-35 (b) A viewing under this article may be supervised by a
1-36 physician, registered nurse, or licensed vocational nurse.

1-37 Art. 49.53. COURT ORDER TO PREVENT OR POSTPONE VIEWING.

1-38 (a) Not later than 24 hours after receiving notice of the death of
1-39 a child, a prosecuting attorney may file in a county or district
1-40 court an application for an order to prevent the child's parent from
1-41 viewing the child's body until after an autopsy is performed if the
1-42 parent is a suspect in the death of the child.

1-43 (b) The department may file, within the 24-hour period
1-44 required by Subsection (a), an application under this article
1-45 instead of the prosecuting attorney if:

1-46 (1) before the child's death, the department had an
1-47 open investigation of an allegation of abuse or neglect involving:

1-48 (A) the deceased child; or

1-49 (B) another child, if the parent of the deceased
1-50 child is the person responsible for the care, custody, or welfare of
1-51 that other child; or

1-52 (2) the parent of the deceased child is the person
1-53 responsible for the care, custody, or welfare of another child and
1-54 after the child's death the department takes any action to protect
1-55 the other child.

1-56 (c) On a request that is made by the prosecuting attorney or
1-57 the department and submitted with an application under this
1-58 article, the court may issue a temporary ex parte order postponing
1-59 the viewing until a hearing can be held under Subsection (d).

1-60 (d) Not later than 24 hours after an application is filed
1-61 under this article, the court shall conduct a hearing and rule on

2-1 the application.

2-2 (e) At the close of the hearing, if the court finds that
2-3 there is substantial evidence that the viewing would interfere with
2-4 the investigation of the parent by the applicable law enforcement
2-5 agency or by the department, the court shall issue an order to
2-6 prevent the parent from viewing the child's body until after an
2-7 autopsy is performed.

2-8 (f) If an application is not timely filed or an order is not
2-9 timely issued in accordance with this article, the parent may not be
2-10 prevented from viewing the child's body in accordance with Article
2-11 49.52.

2-12 SECTION 2. This Act takes effect September 1, 2015.

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