

## **BILL ANALYSIS**

Senate Research Center  
85R2914 KJE-D

S.B. 239  
By: Campbell  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not provide complete protection for parents to view and say goodbye to their deceased child. Interested parties note that when a child dies under suspicious circumstances the parents can be prohibited from seeing the body and saying goodbye until after the body has undergone an autopsy without a formal process. S.B. 239 protects a parent's right to view the body of the parent's deceased child.

As proposed, S.B. 239 amends current law relating to a parent's right to view the body of a deceased child before an autopsy is performed.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 49, Code of Criminal Procedure, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD**

Art. 49.51. DEFINITIONS. Defines "child" and "parent."

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

(b) Prohibits a parent of a deceased child whose death did not occur at a hospital or other institution from viewing or otherwise having contact with the child's body after a justice of the peace or medical examiner assumes control over the body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(c) Requires that a viewing be supervised by a physician, registered nurse, or licensed vocational nurse or by the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(d) Prohibits a person from removing a medical device from the child's body or otherwise altering the condition of the body for purposes of conducting a viewing unless the person first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

SECTION 2. Effective date: September 1, 2017.