

By: Hinojosa

S.B. No. 713

A BILL TO BE ENTITLED

AN ACT

relating to investigative and laboratory tests and processes  
conducted with respect to unidentified human remains.

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

SECTION 1. Article 49.10(k), Code of Criminal Procedure, is  
amended to read as follows:

(k) A justice of the peace may order an investigative or  
laboratory test to determine the identity of a deceased person.  
After proper removal of a sample from a body, the [a] justice may  
order any person specially trained in identification work to  
complete any tests necessary to determine the identity of the  
deceased person. The justice may provide for a DNA sample to be  
collected from the deceased person and submitted for analysis as  
provided by Article 63.056.

SECTION 2. The heading to Section 9, Article 49.25, Code of  
Criminal Procedure, is amended to read as follows:

Sec. 9. AUTOPSY AND TESTS.

SECTION 3. Section 9, Article 49.25, Code of Criminal  
Procedure, is amended by amending Subsection (a) and adding  
Subsection (a-1) to read as follows:

(a) If the cause of death shall be determined beyond a  
reasonable doubt as a result of the investigation, the medical  
examiner shall file a report thereof setting forth specifically the  
cause of death with the district attorney or criminal district

1 attorney, or in a county in which there is no district attorney or  
2 criminal district attorney with the county attorney, of the county  
3 in which the death occurred. If in the opinion of the medical  
4 examiner an autopsy is necessary, or if such is requested by the  
5 district attorney or criminal district attorney, or county attorney  
6 where there is no district attorney or criminal district attorney,  
7 the autopsy shall be immediately performed by the medical examiner  
8 or a duly authorized deputy. In those cases where a complete  
9 autopsy is deemed unnecessary by the medical examiner to ascertain  
10 the cause of death, the medical examiner may perform a limited  
11 autopsy involving the taking of blood samples or any other samples  
12 of body fluids, tissues or organs, in order to ascertain the cause  
13 of death or whether a crime has been committed. In the case of a  
14 body of a deceased person ~~[human being]~~ whose identity is unknown,  
15 the medical examiner or an authorized deputy may order any  
16 ~~[authorize such]~~ investigative and laboratory tests and processes  
17 as are required to determine ~~[its identity as well as]~~ the cause of  
18 death of the person. In performing an autopsy the medical examiner  
19 or authorized deputy may use the facilities of any city or county  
20 hospital within the county or such other facilities as are made  
21 available. Upon completion of the autopsy, the medical examiner  
22 shall file a report setting forth the findings in detail with the  
23 office of the district attorney or criminal district attorney of  
24 the county, or if there is no district attorney or criminal district  
25 attorney, with the county attorney of the county.

26 (a-1) In the case of a body of a deceased person whose  
27 identity is unknown, the medical examiner or an authorized deputy

1 may order any investigative and laboratory tests and processes as  
2 are required to determine the identity of the person. The medical  
3 examiner or deputy may provide for a DNA sample to be collected from  
4 the deceased person and submitted for analysis as provided by  
5 Article 63.056.

6 SECTION 4. Article 63.051(2), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (2) "Center" means the University of North Texas  
9 Center for Human Identification at the University of North Texas  
10 Health Science Center at Fort Worth.

11 SECTION 5. Article 63.052(a), Code of Criminal Procedure,  
12 is amended to read as follows:

13 (a) The board shall develop at the University of North Texas  
14 Center for Human Identification at the University of North Texas  
15 Health Science Center at Fort Worth a DNA database for any case  
16 based on the report of unidentified human remains or a report of a  
17 high-risk missing person.

18 SECTION 6. This Act takes effect September 1, 2017.