

SENATE AMENDMENTS

2nd Printing

By: Larson, et al.

H.B. No. 298

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

Art. 49.51. DEFINITIONS. In this subchapter:

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

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

Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD. (a) Except as provided by Subsection (b), a parent of a deceased child is entitled to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body under Subchapter A or B, as applicable. If the child's death occurred at a hospital or other health care facility, the viewing may be conducted at the hospital or facility.

(b) A parent of a deceased child may not view the child's body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or B, as applicable, unless the parent first obtains the consent of the

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

3 (c) A viewing under Subsection (b) of the body of a deceased
4 child whose death has been determined by a justice of the peace or
5 medical examiner described by Subsection (a) to be subject to an
6 inquest under Article 49.04 or Article 49.25, as applicable, must
7 be conducted in compliance with the following conditions:

8 (1) the viewing must be supervised by a physician,
9 registered nurse, or licensed vocational nurse or by the justice of
10 the peace or the medical examiner or a person acting on behalf of
11 the justice of the peace or medical examiner;

12 (2) a parent of the deceased child may not have contact
13 with the child's body unless the parent first obtains the consent of
14 the justice of the peace or medical examiner or a person acting on
15 behalf of the justice of the peace or medical examiner; and

16 (3) a person may not remove a medical device from the
17 child's body or otherwise alter the condition of the body for
18 purposes of conducting the viewing unless the person first obtains
19 the consent of the justice of the peace or medical examiner or a
20 person acting on behalf of the justice of the peace or medical
21 examiner.

22 (d) A person is not entitled to compensation for performing
23 duties on behalf of a justice of the peace or medical examiner under
24 this article unless the commissioners court of the applicable
25 county approves the compensation.

26 SECTION 2. This Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Leta Spaw
Secretary of the Senate

By: Larson

H.B. No. 298

Substitute the following for H.B. No. 298:

By: *John E. ...*

C.S. H.B. No. 298

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3 before an autopsy is performed.

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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.

14 (a) Except as provided by Subsection (b) or (c), a parent of a
15 deceased child is entitled to view the child's body before a justice
16 of the peace or the medical examiner, as applicable, for the county
17 in which the death occurred assumes control over the body under
18 Subchapter A or B, as applicable. If the child's death occurred at
19 a hospital or other health care facility, the viewing may be
20 conducted at the hospital or facility.

21 (b) A parent of a deceased child may not view the child's
22 body after a justice of the peace or medical examiner described by
23 Subsection (a) assumes control over the body under Subchapter A or
24 B, as applicable, unless the parent first obtains the consent of the

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

3 (c) A viewing of the body of a deceased child whose death is
4 determined to be subject to an inquest under Article 49.04 or 49.25,
5 as applicable, must be conducted in compliance with the following
6 conditions:

7 (1) the viewing must be supervised by:

8 (A) if law enforcement has assumed control over
9 the body at the time of the viewing, an appropriate peace officer
10 or, with the officer's consent, a person described by Paragraph
11 (B); or

12 (B) a physician, registered nurse, or licensed
13 vocational nurse or the justice of the peace or the medical examiner
14 or a person acting on behalf of the justice of the peace or medical
15 examiner;

16 (2) a parent of the deceased child may not have contact
17 with the child's body unless the parent first obtains the consent of
18 the justice of the peace or medical examiner or a person acting on
19 behalf of the justice of the peace or medical examiner; and

20 (3) a person may not remove a medical device from the
21 child's body or otherwise alter the condition of the body for
22 purposes of conducting the viewing unless the person first obtains
23 the consent of the justice of the peace or medical examiner or a
24 person acting on behalf of the justice of the peace or medical
25 examiner.

26 (d) A person is not entitled to compensation for performing
27 duties on behalf of a justice of the peace or medical examiner under

1 this article unless the commissioners court of the applicable
2 county approves the compensation.

3 SECTION 2. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB298 by Larson (Relating to a parent's right to view the body of a deceased child before an autopsy is performed.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure relating to a parent's right to view the body of a deceased child before an autopsy is performed. Based on information provided by the Office of Court Administration and Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 758 Texas State University System

LBB Staff: UP, SD, KJo, LBO, EP, JLi, SLE, GP, JSm

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB298 by Larson (Relating to a parent's right to view the body of a deceased child before an autopsy is performed.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure relating to a parent's right to view the body of a deceased child before an autopsy is performed. Based on information provided by the Office of Court Administration and Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 758 Texas State University System

LBB Staff: UP, KJo, LBO, EP, JLi, SLE, GP, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB298 by Larson (Relating to a parent's right to view the body of a deceased child before an autopsy is performed.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure relating to a parent's right to view the body of a deceased child before an autopsy is performed. Based on information provided by the Office of Court Administration and Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 758 Texas State University System

LBB Staff: UP, KJo, LBO, EP, JLi, SLE, GP, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 12, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB298 by Larson (Relating to a parent's right to view the body of a deceased child before an autopsy is performed.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure relating to a parent's right to view the body of a deceased child before an autopsy is performed. Based on information provided by the Office of Court Administration and Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 758 Texas State University System

LBB Staff: UP, LBO, EP, JLi, SLE, GP, JSm

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 6, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB298 by Larson (Relating to a parent's right to view the body of a deceased child before an autopsy is performed.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure relating to a parent's right to view the body of a deceased child before an autopsy is performed. Based on information provided by the Office of Court Administration and Department of Family and Protective Services, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 530 Family and Protective Services, Department of, 758 Texas State University System

LBB Staff: UP, SLE, EP, JLi, GP, JSm