

House Bill 298
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SENATE VERSION (CS)

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

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

(1) the viewing must be supervised by:

(A) if law enforcement has assumed control over the body at

CONFERENCE

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(1) the viewing must be supervised by a physician, registered nurse, or licensed vocational nurse or by the justice of the peace or the medical examiner or a person acting on behalf of the justice of the peace or medical examiner;
(2) a parent of the deceased child may not have contact with the child's 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; and
(3) a person may not remove a medical device from the child's body or otherwise alter the condition of the body for purposes of conducting the 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.
(d) A person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner under this article unless the commissioners court of the applicable county approves the compensation.

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

SENATE VERSION (CS)

the time of the viewing, an appropriate peace officer or, with the officer's consent, a person described by Paragraph (B); or
(B) a physician, registered nurse, or licensed vocational nurse or the justice of the peace or the medical examiner or a person acting on behalf of the justice of the peace or medical examiner;
(2) a parent of the deceased child may not have contact with the child's 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; and
(3) a person may not remove a medical device from the child's body or otherwise alter the condition of the body for purposes of conducting the 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.
(d) A person is not entitled to compensation for performing duties on behalf of a justice of the peace or medical examiner under this article unless the commissioners court of the applicable county approves the compensation.

SECTION 2. Same as House version.

CONFERENCE