

## **BILL ANALYSIS**

Senate Research Center  
86R5112 KJE-D

H.B. 881  
By: Bell, Cecil; Larson (Campbell)  
Criminal Justice  
5/12/2019  
Engrossed

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

It has been noted that the parental right to view a deceased child before an autopsy is performed does not apply to a parent of a deceased person who is 18 years of age or older. There are concerns that such parents are not always given an opportunity to view their child's body. H.B. 881 seeks to address this issue by entitling a parent of a deceased person to view the person's body before an autopsy is performed, regardless of the person's age.

H.B. 881 amends the Code of Criminal Procedure to extend the right of a parent of a deceased person younger than 18 years of age to view the person's body before an autopsy is performed to a parent of a deceased person of any age.

H.B. 881 amends current law relating to the right of a parent of a deceased person to view the person's body 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 the heading to Subchapter D, Chapter 49, Code of Criminal Procedure, to read as follows:

#### **SUBCHAPTER D. RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY**

SECTION 2. Amends the heading to Article 49.52, Code of Criminal Procedure, to read as follows:

**Art. 49.52. RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S  
BODY.**

SECTION 3. Amends Articles 49.52(a), (b), and (c), Code of Criminal Procedure, as follows:

(a) and (b) Replaces all references to "child" with references to "person."

(c) Requires a viewing of the body of a deceased person under this article whose death is determined to be subject to an inquest under Article 49.04 (Deaths Requiring and Inquest) or 49.25 (Medical Examiners), as applicable, to be conducted in compliance with the following conditions:

(1) makes no changes to this subdivision;

(2) makes conforming changes to this subdivision; and

(3) a person is prohibited from removing a medical device from the deceased person's body, rather than 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.

SECTION 4. Repealer: Article 49.51(1) (relating to the definition of "child"), Code of Criminal Procedure

SECTION 5. Effective date: September 1, 2019.