By:  Bell of Montgomery, Larson H.B. No. 881

     (Senate Sponsor - Campbell)

(In the Senate - Received from the House April 15, 2019; April 16, 2019, read first time and referred to Committee on Criminal Justice; May 15, 2019, reported favorably by the following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Buckingham      X

Flores          X

Hughes                    X

Miles           X

Perry           X

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER D. [~~PARENTAL~~] RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY [~~DECEASED CHILD~~]

SECTION 2.  The heading to Article 49.52, Code of Criminal Procedure, is amended to read as follows:

Art. 49.52.  [~~PARENTAL~~] RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY [~~DECEASED CHILD~~].

SECTION 3.  Articles 49.52(a), (b), and (c), Code of Criminal Procedure, are amended to read as follows:

(a)  Except as provided by Subsection (b) or (c), a parent of a deceased person [~~child~~] is entitled to view the person's [~~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 person's [~~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 person [~~child~~] may not view the person's [~~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 person under this article [~~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 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 person [~~child~~] may not have contact with the person's [~~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 deceased person's [~~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.  Article 49.51(1), Code of Criminal Procedure, is repealed.

SECTION 5.  This Act takes effect September 1, 2019.

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