

By: Bell of Montgomery, Larson

H.B. No. 881

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

1 under Subchapter A or B, as applicable, unless the parent first  
2 obtains the consent of the justice of the peace or medical examiner  
3 or a person acting on behalf of the justice of the peace or medical  
4 examiner.

5 (c) A viewing of the body of a deceased person under this  
6 article [~~child~~] whose death is determined to be subject to an  
7 inquest under Article 49.04 or 49.25, as applicable, must be  
8 conducted in compliance with the following conditions:

9 (1) the viewing must be supervised by:

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

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

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

23 (3) a person may not remove a medical device from the  
24 deceased person's [~~child's~~] body or otherwise alter the condition  
25 of the body for purposes of conducting the viewing unless the person  
26 first obtains the consent of the justice of the peace or medical  
27 examiner or a person acting on behalf of the justice of the peace or

1 medical examiner.

2 SECTION 4. Article [49.51\(1\)](#), Code of Criminal Procedure, is  
3 repealed.

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