

1-1 By: Bell of Montgomery, Larson H.B. No. 881
1-2 (Senate Sponsor - Campbell)
1-3 (In the Senate - Received from the House April 15, 2019;
1-4 April 16, 2019, read first time and referred to Committee on
1-5 Criminal Justice; May 15, 2019, reported favorably by the
1-6 following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Buckingham	X		
1-12	Flores	X		
1-13	Hughes		X	
1-14	Miles	X		
1-15	Perry	X		

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the right of a parent of a deceased person to view the
1-19 person's body before an autopsy is performed.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Subchapter D, Chapter 49, Code of
1-22 Criminal Procedure, is amended to read as follows:

1-23 SUBCHAPTER D. ~~[PARENTAL] RIGHT OF PARENT OF DECEASED PERSON TO VIEW~~
1-24 ~~PERSON'S BODY [DECEASED CHILD]~~

1-25 SECTION 2. The heading to Article 49.52, Code of Criminal
1-26 Procedure, is amended to read as follows:

1-27 Art. 49.52. ~~[PARENTAL] RIGHT OF PARENT OF DECEASED PERSON~~
1-28 ~~TO VIEW PERSON'S BODY [DECEASED CHILD].~~

1-29 SECTION 3. Articles 49.52(a), (b), and (c), Code of
1-30 Criminal Procedure, are amended to read as follows:

1-31 (a) Except as provided by Subsection (b) or (c), a parent of
1-32 a deceased person ~~[child]~~ is entitled to view the person's ~~[child's]~~
1-33 body before a justice of the peace or the medical examiner, as
1-34 applicable, for the county in which the death occurred assumes
1-35 control over the body under Subchapter A or B, as applicable. If the
1-36 person's ~~[child's]~~ death occurred at a hospital or other health care
1-37 facility, the viewing may be conducted at the hospital or facility.

1-38 (b) A parent of a deceased person ~~[child]~~ may not view the
1-39 person's ~~[child's]~~ body after a justice of the peace or medical
1-40 examiner described by Subsection (a) assumes control over the body
1-41 under Subchapter A or B, as applicable, unless the parent first
1-42 obtains the consent of the justice of the peace or medical examiner
1-43 or a person acting on behalf of the justice of the peace or medical
1-44 examiner.

1-45 (c) A viewing of the body of a deceased person under this
1-46 article ~~[child]~~ whose death is determined to be subject to an
1-47 inquest under Article 49.04 or 49.25, as applicable, must be
1-48 conducted in compliance with the following conditions:

1-49 (1) the viewing must be supervised by:

1-50 (A) if law enforcement has assumed control over
1-51 the body at the time of the viewing, an appropriate peace officer
1-52 or, with the officer's consent, a person described by Paragraph
1-53 (B); or

1-54 (B) a physician, registered nurse, or licensed
1-55 vocational nurse or the justice of the peace or the medical examiner
1-56 or a person acting on behalf of the justice of the peace or medical
1-57 examiner;

1-58 (2) a parent of the deceased person ~~[child]~~ may not
1-59 have contact with the person's ~~[child's]~~ body unless the parent
1-60 first obtains the consent of the justice of the peace or medical
1-61 examiner or a person acting on behalf of the justice of the peace or

2-1 medical examiner; and

2-2 (3) a person may not remove a medical device from the
2-3 deceased person's [~~child's~~] body or otherwise alter the condition
2-4 of the body for purposes of conducting the viewing unless the person
2-5 first obtains the consent of the justice of the peace or medical
2-6 examiner or a person acting on behalf of the justice of the peace or
2-7 medical examiner.

2-8 SECTION 4. Article 49.51(1), Code of Criminal Procedure, is
2-9 repealed.

2-10 SECTION 5. This Act takes effect September 1, 2019.

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