

By: Raymond

H.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain autopsy records.

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

SECTION 1. Section 11, Article 49.25, Code of Criminal Procedure, is amended to read as follows:

Sec. 11. RECORDS. (a) The medical examiner shall keep full and complete records properly indexed, giving the name if known of every person whose death is investigated, the place where the body was found, the date, and the cause and manner of death, and shall issue a death certificate. The full report and detailed findings of the autopsy, if any, shall be a part of the record. Copies of all records shall promptly be delivered to the proper district, county, or criminal district attorney in any case where further investigation is advisable. The records may not be withheld, subject to a discretionary exception under Chapter 552, Government Code, and except as provided by Subsection (b).

(b) A ~~that a~~ photograph or x-ray of a body taken during an autopsy is excepted from required public disclosure in accordance with Chapter 552, Government Code, but is subject to disclosure:

(1) under a subpoena or authority of other law; ~~[or]~~

(2) if the photograph or x-ray is of the body of a person who died while in the custody of law enforcement; or

(3) to the next of kin or legal representative of the deceased, subject to a discretionary exception under Chapter 552,

1 Government Code.

2 (c) [~~(b)~~] Under the exception to public disclosure provided
3 by Subsection (b) [~~(a)~~], a governmental body as defined by Section
4 552.003, Government Code, may withhold a photograph or x-ray
5 described by that subsection [~~Subsection (a)~~] without requesting a
6 decision from the attorney general under Subchapter G, Chapter 552,
7 Government Code. This subsection does not affect the required
8 disclosure of a photograph or x-ray as otherwise required by
9 [~~under~~] Subsection (b) [~~(a)(1) or (2)~~].

10 SECTION 2. The changes in law made by this Act apply only to
11 a request for information that is received by a governmental body or
12 an officer for public information on or after the effective date of
13 this Act. A request for information that was received before the
14 effective date of this Act is governed by the law in effect on the
15 date the request was received, and the former law is continued in
16 effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2021.