

By: Raymond

H.B. No. 2170

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to reimbursing a commissioners court and certain  
3 individuals for the reasonable costs of transporting a body for the  
4 purpose of an autopsy.

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

6 SECTION 1. Article 49.10, Code of Criminal Procedure, is  
7 amended by adding Subsections (h-1) and (h-2) to read as follows:

8 (h-1) A commissioners court that pays a fee to transport a  
9 body to or from a place where an autopsy can be performed under this  
10 article may seek reimbursement for the reasonable costs of the  
11 transportation as provided by this subsection. On application to  
12 the attorney representing the state or the head of a law enforcement  
13 agency, a commissioners court may be reimbursed from civil asset  
14 forfeiture proceeds as provided by Article 59.06(u), regardless of  
15 the circumstances of the death.

16 (h-2) On application to the attorney general and in  
17 accordance with Chapter 56B, an individual who pays a fee to  
18 transport a body from a place where an autopsy can be performed  
19 under this article, including a family member of the deceased  
20 victim, may be reimbursed from the compensation to victims of crime  
21 fund for the reasonable costs of the transportation if the  
22 physician performing the autopsy determines the death was caused by  
23 unlawful means.

24 SECTION 2. Article 56B.003(10), Code of Criminal Procedure,

1 is amended to read as follows:

2 (10) "Pecuniary loss" means the amount of the expense  
3 reasonably and necessarily incurred as a result of personal injury  
4 or death for:

5 (A) medical, hospital, nursing, or psychiatric  
6 care or counseling, or physical therapy;

7 (B) actual loss of past earnings and anticipated  
8 loss of future earnings and necessary travel expenses because of:

9 (i) a disability resulting from the  
10 personal injury;

11 (ii) the receipt of medically indicated  
12 services related to the disability; or

13 (iii) participation in or attendance at  
14 investigative, prosecutorial, or judicial processes or any  
15 postconviction or postadjudication proceeding relating to  
16 criminally injurious conduct;

17 (C) care of a child or dependent, including  
18 specialized care for a child who is a victim;

19 (D) funeral and burial expenses, including:

20 (i) [r] for an immediate family member or a  
21 household member of a deceased ~~[the]~~ victim, the necessary expenses  
22 of traveling to and attending the funeral; and

23 (ii) the reasonable costs of transportation  
24 of the body from a place where an autopsy can be performed if the  
25 physician performing the autopsy determines the death was caused by  
26 unlawful means;

27 (E) loss of support to a dependent, consistent

1 with Article 56B.057(b)(5);

2 (F) reasonable and necessary costs of cleaning  
3 the crime scene;

4 (G) reasonable replacement costs for clothing,  
5 bedding, or property of the victim seized as evidence or rendered  
6 unusable as a result of the criminal investigation;

7 (H) reasonable and necessary costs for  
8 relocation and housing rental assistance payments as provided by  
9 Article 56B.106(c);

10 (I) for an immediate family member or a household  
11 member of a deceased victim, bereavement leave of not more than 10  
12 work days; and

13 (J) reasonable and necessary costs of traveling  
14 to and from a place of execution to witness the execution, including  
15 one night's lodging near the place where the execution is  
16 conducted.

17 SECTION 3. Article 59.06, Code of Criminal Procedure, is  
18 amended by adding Subsection (u) to read as follows:

19 (u) As a specific exception to Subsection (c) that the funds  
20 described by that subsection be used only for the official purposes  
21 of the attorney representing the state or for law enforcement  
22 purposes, the attorney representing the state or the head of a law  
23 enforcement agency, as applicable, may use any portion of the gross  
24 amount credited to the attorney's or agency's special fund under  
25 Subsection (c) to reimburse a commissioners court for the  
26 reasonable costs of transporting a body for the purpose of an  
27 autopsy.

1 SECTION 4. This Act takes effect September 1, 2021.