

AN ACT

relating to an exception from required disclosure of information related to certain crime victims and the release to certain entities of autopsy reports of deceased persons.

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

SECTION 1. Section 11, Article 49.25, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) The medical examiner may release a copy of an autopsy report of a deceased person to any organ and tissue procurement organization, hospital, or other covered entity as defined by Section 181.001, Health and Safety Code, that treated the deceased person before death or procured any anatomical gift from the body of the deceased person. The release of a report under this subsection is not considered a disclosure under Chapter 552, Government Code. A report obtained under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 2. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1315 to read as follows:

Sec. 552.1315. EXCEPTION: CONFIDENTIALITY OF CERTAIN CRIME VICTIM RECORDS. (a) Information is confidential and excepted from the requirements of Section 552.021 if the information identifies an individual as:

(1) a victim of:

(A) an offense under Section 20A.02, 20A.03,

1 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25, Penal Code; or

2 (B) an offense that is part of the same criminal
3 episode, as defined by Section 3.01, Penal Code, as an offense
4 described by Paragraph (A); or

5 (2) a victim of any criminal offense, if the victim was
6 younger than 18 years of age when any element of the offense was
7 committed.

8 (b) Notwithstanding Subsection (a), information under this
9 section may be disclosed:

10 (1) to any victim identified by the information, or to
11 the parent or guardian of a victim described by Subsection (a)(2)
12 who is identified by the information;

13 (2) to a law enforcement agency for investigative
14 purposes; or

15 (3) in accordance with a court order requiring the
16 disclosure.

17 SECTION 3. The change in law made by this Act applies to a
18 request for information that is received by a governmental body or
19 an officer for public information on or after the effective date of
20 this Act. A request for information that was received before the
21 effective date of this Act is governed by the law in effect on the
22 date the request was received, and the former law is continued in
23 effect for that purpose.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2357

1 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2357 was passed by the House on May 11, 2021, by the following vote: Yeas 135, Nays 8, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2357 on May 28, 2021, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2357 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor