

BILL ANALYSIS

H.B. 3161
By: Hull
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, death inquests must be conducted by justices of the peace or medical examiners under certain circumstances. If an individual is unidentified and the cause or circumstance of their death is unknown, then a death inquest must be conducted and the identifying information of the decedent must be collected and entered into the National Missing and Unidentified Persons System (NamUs). In certain circumstances, the cause or circumstance of a death may be known because it was attended by a physician, but the individual is still unidentified. This has occurred in Harris County hospitals where an individual may be admitted but their identity unknown. If the individual has been admitted to the hospital for over 24 hours before they died, the county medical examiner does not have the statutory authority to conduct a death inquest and collect the identifying information. In this circumstance, the decedent is sent for indigent burial by the county without identifying information being collected or input into the NamUs database. These decedents may be missing persons with loved ones searching for them, and they deserve to have their identifying information collected before burial. H.B. 3161 seeks to facilitate the identification of unidentified decedents by requiring death inquests to be conducted when a person is unidentified, regardless of whether the cause or circumstance of death is known.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3161 amends the Code of Criminal Procedure to require a justice of the peace, medical examiner or the examiner's authorized deputy, or other applicable investigator to conduct an inquest into the death of a person if the body or body part of a person is found and the person is unidentified, regardless of whether the cause or circumstances of death are known. For purposes of such inquests, a person or body is considered unidentified if the deceased person's legal name is unknown and there is no known person with the duty to inter the deceased person's remains. The bill applies only to an investigation of a death of an unidentified person that commences on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.