

BILL ANALYSIS

Senate Research Center

S.B. 760
By: LaMantia
Criminal Justice
5/11/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

What does this bill do?

- S.B. 760 allows a justice of the peace, during an inquest, to order a blood sample or specimen from the body of a deceased person to assist in confirming or determining cause and manner of death.

How does the bill do it?

- It amends the Code of Criminal Procedure to expand the instances in which a justice of the peace may order a blood specimen.
- Article 49 of the Code of Criminal Procedure covers these inquests.

Background and Purpose

In the majority of Texas counties, the justice of the peace (JP) conducts inquests on deceased persons to determine the cause, manner, and time of death. There are several ways a JP can answer questions during an inquest, including gathering medical history, analyzing crime scene information, and ordering an autopsy to be completed by a forensic pathologist. This third option, while often the most effective, incurs high costs for the county and seldom returns results in a timely manner. Currently, a JP can order blood drawn from someone who died in a motor vehicle crash when the circumstances indicate they may have been intoxicated. In this case, the ability to call for a blood specimen forgoes the need for a complete autopsy and allows results to be obtained in a timely, low-cost manner. The provision in S.B. 760 will expand upon this and allow the process to be applied to other situations. As an example, a blood specimen could be used to determine the presence of opioids in a deceased person's system, eliminating the need for a complete autopsy to determine an overdose.

Fiscal Impact:

- Completing an autopsy can cost a county \$5,000 to \$8,000.
- Blood testing is not free, but the cost is minute compared to the cost of an autopsy. Costs for counties are greatly reduced.
- No state cost anticipated.

S.B. 760 amends current law relating to taking a blood specimen from the body of a deceased person during an inquest.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 49.10(j), Code of Criminal Procedure, as follows:

- (j) Authorizes a justice of the peace to order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a specimen of blood from the body of a person:

(1) creates this subdivision from existing text; or

(2) to aid in the confirmation or determination of the cause and manner of death while conducting an inquest.

SECTION 2. Effective date: September 1, 2023.