

By: Middleton, et al.  
(Bonnen)

S.B. No. 435

Substitute the following for S.B. No. 435:

By: Holland

C.S.S.B. No. 435

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure under the public information law of  
certain evidence of a crime that resulted in the death of a person.

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

SECTION 1. Section 552.108, Government Code, is amended by  
adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(d) Notwithstanding other law, a prosecutor may permit a  
person to view the following evidence of a crime that resulted in  
the death of a person and that occurred in the prosecutor's  
jurisdiction:

(1) a medical examiner's report, if the person viewing  
the report is a family member of the person who is the subject of the  
report and the person who is the subject of the report was a victim  
of the crime; and

(2) video evidence of the crime, if the person viewing  
the video is a victim of the crime or a family member of a victim of  
the crime.

(e) A person permitted to view a medical examiner's report  
or video evidence under Subsection (d) may not duplicate, record,  
capture, or otherwise memorialize the information. A prosecutor  
may require a person to sign a confidentiality agreement before  
permitting the person to view the information.

(f) A permitted viewing of a medical examiner's report or  
video evidence under Subsection (d) is not a voluntary disclosure

1 of information for purposes of Section 552.007(b). A governmental  
2 body, by providing information under Subsection (d) that is  
3 confidential or otherwise excepted from required disclosure under  
4 law, does not waive or affect the confidentiality of the  
5 information for purposes of state or federal law or waive the right  
6 to assert exceptions to required disclosure of the information in  
7 the future.

8 (g) Subsection (d) does not affect:

9 (1) the right of a person to obtain a medical  
10 examiner's report or video evidence of a crime from a governmental  
11 body under other law;

12 (2) the procedures under which the information is  
13 obtained under other law; or

14 (3) the use that may be made of the information  
15 obtained under other law.

16 (h) In this section:

17 (1) "Family member" means a person related to a victim  
18 of a crime within the first degree of consanguinity or affinity.

19 (2) "Medical examiner's report" means a report and the  
20 contents of such a report created by a medical examiner under  
21 Article 49.25, Code of Criminal Procedure, including an autopsy  
22 report and toxicology report. The term does not include a  
23 photograph or medical image contained in a report.

24 (3) "Victim" means an individual who suffered personal  
25 injury or death as a result of criminal conduct.

26 SECTION 2. The change in law made by this Act applies to a  
27 crime that occurred before, on, or after the effective date of this

1 Act.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2023.