

**House Bill 3161**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Article 49.01, Code of Criminal Procedure, is amended to read as follows:

Art. 49.01. DEFINITIONS. (a) In this chapter [~~article~~]:

(1) "Autopsy" means a post mortem examination of the body of a person, including X-rays and an examination of the internal organs and structures after dissection, to determine the cause of death or the nature of any pathological changes that may have contributed to the death.

(2) "Inquest" means an investigation into the cause and circumstances of the death of a person, and a determination, made with or without a formal court hearing, as to whether the death was caused by an unlawful act or omission.

(3) "Inquest hearing" means a formal court hearing held to determine whether the death of a person was caused by an unlawful act or omission and, if the death was caused by an unlawful act or omission, to obtain evidence to form the basis of a criminal prosecution.

(4) "Institution" means any place where health care services are rendered, including a hospital, clinic, health facility, nursing home, extended-care facility, out-patient facility, foster-care facility, and retirement home.

(5) "Physician" means a practicing doctor of medicine or doctor of osteopathic medicine who is licensed by the Texas State Board of Medical Examiners under Subtitle B, Title 3, Occupations Code.

(b) For purposes of this chapter, a person or body is considered unidentified if:

(1) the deceased person's legal name is unknown; and

(2) there is no known person with the duty to inter the deceased person's remains under Section 711.002(a), Health and Safety Code.

SENATE VERSION (CS)

SECTION 1. Same as House version.

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SECTION 2. Article 49.04(a), Code of Criminal Procedure, is amended to read as follows:

(a) A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if:

(1) the person dies in prison under circumstances other than those described by Section 501.055(b), Government Code, or in jail;

(2) the person dies an unnatural death from a cause other than a legal execution;

(3) the body or a body part of a person is found and either:  
(A) the person is identified but [5] the cause or circumstances of death are unknown~~;~~ ~~and:~~

~~[(A) the person is identified];~~ or

(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;

(4) the circumstances of the death indicate that the death may have been caused by unlawful means;

(5) the person commits suicide or the circumstances of the death indicate that the death may have been caused by suicide;

(6) the person dies without having been attended by a physician;

(7) the person dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest; or

(8) the person is a child younger than six years of age and an inquest is required by Chapter 264, Family Code.

SECTION 3. Section 6(a), Article 49.25, Code of Criminal Procedure, is amended to read as follows:

SENATE VERSION (CS)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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(a) Any medical examiner, or his duly authorized deputy, shall be authorized, and it shall be his duty, to hold inquests with or without a jury within his county, in the following cases:

1. When a person shall die within twenty-four hours after admission to a hospital or institution or in prison or in jail;
2. When any person is killed; or from any cause dies an unnatural death, except under sentence of the law; or dies in the absence of one or more good witnesses;
3. When the body or a body part of a person is found and either:  
(A) the person is identified but [;] the cause or circumstances of death are unknown[; and:  
[(A) the person is identified]; or  
(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;
4. When the circumstances of the death of any person are such as to lead to suspicion that he came to his death by unlawful means;
5. When any person commits suicide, or the circumstances of his death are such as to lead to suspicion that he committed suicide;
6. When a person dies without having been attended by a duly licensed and practicing physician, and the local health officer or registrar required to report the cause of death under Section 193.005, Health and Safety Code, does not know the cause of death. When the local health officer or registrar of vital statistics whose duty it is to certify the cause of death does not know the cause of death, he shall so notify the medical examiner of the county in which the death occurred and request an inquest;

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7. When the person is a child who is younger than six years of age and the death is reported under Chapter 264, Family Code; and
8. When a person dies who has been attended immediately preceding his death by a duly licensed and practicing physician or physicians, and such physician or physicians are not certain as to the cause of death and are unable to certify with certainty the cause of death as required by Section 193.004, Health and Safety Code. In case of such uncertainty the attending physician or physicians, or the superintendent or general manager of the hospital or institution in which the deceased shall have died, shall so report to the medical examiner of the county in which the death occurred, and request an inquest.

No equivalent provision.

SENATE VERSION (CS)

SECTION 4. Section 711.002, Health and Safety Code, is amended by amending Subsection (1) and adding Subsections (1-1) and (1-2) to read as follows:

(1) A person listed in Subsection (a) may not control the disposition of the decedent's remains if:

(1) [5] in connection with the decedent's death, [an indictment has been filed charging] the person has been arrested or an arrest warrant has been issued for the person for [with] a crime under Chapter 19, Penal Code, that involves family violence against the decedent; or

(2) the decedent had filed an application for a protective order against or with respect to the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued

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against or with respect to the person under one of those provisions.

(1-1) A person regulated under Chapter 651, Occupations Code, who knowingly allows a person described by Subsection (1) [the person charged with a crime] to control the disposition of the decedent's remains in violation of that [this] subsection commits a prohibited practice under Section 651.460, Occupations Code, and the Texas Funeral Service Commission may take disciplinary action or assess an administrative penalty against the regulated person under that chapter.

(1-2) A court with jurisdiction over probate proceedings shall expedite the proceedings to resolve any dispute over the right to control the disposition of a decedent's remains among the persons listed in Subsection (a) if the dispute involves the control of the disposition of the remains by a prohibited person described by Subsection (1).

SECTION 4. Articles 49.01, 49.04, and 49.25, Code of Criminal Procedure, as amended by this Act, apply only to an investigation of a death of an unidentified person that commences on or after the effective date of this Act. An investigation of the death of an unidentified person that commences before the effective date of this Act is governed by the law in effect when the investigation commenced, and the former law is continued in effect for that purpose.

SECTION 5. Same as House version.

SECTION 5. This Act takes effect September 1, 2023.

SECTION 6. Same as House version.