

BILL ANALYSIS

C.S.H.B. 1306
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Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that a forensic death investigator with the office of the Ector County Medical Examiner has raised concerns about the lack of benefits for professionals in this field. According to the International Association of Coroners & Medical Examiners, coroners and medicolegal death investigators face many of the same hazards as recognized first responders, including exposure to biohazards, infectious diseases, and potential violence, yet they do not currently qualify for many of the same benefits as first responders. C.S.H.B. 1306 seeks to address this issue by entitling death investigation professionals, including justices of the peace, medical examiners and their employees, and death investigators, to certain medical and financial benefits.

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

C.S.H.B. 1306 amends the Government Code to entitle a death investigation professional to preventative immunization for any disease to which the professional may be exposed in conducting or assisting in an inquest and for which immunization is possible. The bill also entitles a death investigation professional who is exposed to a contagious disease to reimbursement for reasonable medical expenses incurred in treatment for prevention of the disease, and to receive such treatment from the physician of the professional's choice, if the following conditions apply:

- the disease is not an "ordinary disease of life" as that term is used in the context of a workers' compensation claim;
- the exposure occurs while conducting or assisting in an inquest; and
- the professional requires preventative medical treatment because of exposure to the disease.

The bill establishes that the county served by the death investigation professional is responsible for reimbursing the professional for those medical expenses. The bill defines "inquest" by reference to applicable Code of Criminal Procedure provisions and defines "death investigation professional" to mean the following individuals:

- a justice of the peace;
- a death investigator employed by a county's office of death investigator; or
- a medical examiner or an employee of the medical examiner's office employed under statutory provisions relating to medical examiner assistants;

C.S.H.B. 1306 makes statutory provisions relating to financial assistance to survivors of law enforcement officers, fire fighters, and certain other individuals who died as a result of a personal injury sustained in the line of duty applicable to eligible survivors of a justice of the peace, a death investigator employed by a county's office of death investigator, a medical examiner, or an employee of a medical examiner's office employed under statutory provisions relating to medical examiner assistants.

C.S.H.B. 1306 amends the Labor Code to include the following individuals employed by a political subdivision of the state among the individuals considered a first responder for purposes of statutory provisions relating to the expedited provision of medical benefits under the workers' compensation system for certain injuries sustained by a first responder in the course and scope of employment:

- a justice of the peace covered as an employee under the applicable municipality's worker's compensation insurance coverage;
- a death investigator employed by a county's office of death investigator; or
- a medical examiner or an employee of the medical examiner's office employed under statutory provisions relating to medical examiner assistants.

C.S.H.B. 1306 applies to a claim for benefits or compensation pending on or filed on or after the bill's effective date. A claim for benefits or compensation filed before that date, other than a claim pending on that date, is governed by the law in effect on the date the claim was made, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1306 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced version's provisions applied to coroners, medical examiners, and death investigators. The substitute makes the following changes to that applicability:

- replaces references to a coroner with references to a justice of the peace;
- clarifies that death investigators are employed under statutory provisions regarding a county's authority to establish an office of death investigator; and
- includes employees of a medical examiner's office employed under statutory provisions relating to medical examiner assistants among the applicable individuals.

The substitute clarifies that the bill provision regarding workers' compensation applies to a justice of the peace only if the justice is covered as an employee under the applicable municipality's workers' compensation coverage.

With respect to the bill provision entitling a death investigation professional to reimbursement for reasonable medical expenses incurred in treatment for prevention of a contagious disease to which the professional is exposed under certain circumstances, the substitute differs from the introduced in the following ways:

- the substitute changes the party responsible for reimbursing the professional from the employing governmental entity, as in the introduced, to the county served by the professional; and
- whereas the introduced conditioned the entitlement on the exposure occurring during the course of employment, the substitute conditions the entitlement on the exposure occurring while conducting or assisting in an inquest.

The substitute accordingly includes a definition of "inquest" that did not appear in the introduced.

Whereas the introduced provided for a death investigation professional's entitlement to preventative immunization for any disease to which the professional may be exposed in performing their duties, the substitute provides for a death investigation professional's entitlement to preventative immunization for any disease to which the professional may be exposed in conducting or assisting in an inquest.