

BILL ANALYSIS

C.S.H.B. 5383
By: Oliverson
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that in Texas the qualifications required to serve as a medical examiner vary significantly by jurisdiction, creating disparities in the standards applied to death investigations. The bill author has also informed the committee that while some counties employ highly trained and board-certified forensic pathologists, others rely on physicians without specialized training in forensic pathology, and that this inconsistency can undermine the quality and reliability of death investigations, particularly in criminal cases where accurate determinations of cause and manner of death are critical. The bill author has further informed the committee that, with the increasing complexity of forensic science and its growing role in the justice system, there is a need for uniform, professional standards across all jurisdictions in Texas. C.S.H.B. 5383 seeks to raise the baseline qualifications for a medical examiner by revising the requirements for appointment as a medical examiner or employment as an assistant or deputy medical examiner, with the goal of enhancing the integrity of death investigations, promoting consistency across counties, and ensuring that critical forensic determinations are made by experts with the specialized training necessary to support accurate, evidence-based conclusions in both civil and criminal proceedings. The bill specifically requires a person appointed by a county commissioners court as a medical examiner to hold a certification in anatomic pathology and forensic pathology issued by the American Board of Pathology and requires assistant medical examiners to hold or be eligible to hold a certification issued by the American Board of Pathology in anatomic pathology and forensic pathology.

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. 5383 amends the Code of Criminal Procedure to require a person appointed by a county commissioners court as a medical examiner to hold a certification in anatomic pathology and forensic pathology issued by the American Board of Pathology. The bill repeals the requirement that, to the greatest extent possible, a medical examiner be appointed from persons having training and experience in pathology, toxicology, histology and other medico-legal sciences.

C.S.H.B. 5383 changes from deputy examiners to assistant or deputy medical examiners the examiners a medical examiner may employ. The bill requires an assistant or deputy medical

examiner employed by a medical examiner to hold or be eligible to hold a certification issued by the American Board of Pathology in anatomic pathology and forensic pathology.

C.S.H.B. 5383 establishes that a person is not required to comply with the bill's provisions until January 1, 2026.

C.S.H.B. 5383 repeals Section 2(b), Article 49.25, Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5383 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.

With respect to the statutory provision requiring a medical examiner to be appointed from persons having training and experience in pathology, toxicology, histology and other medico-legal sciences, the substitute repeals the provision whereas the introduced did the following:

- removed the specification that such requirement applies to the greatest extent possible; and
- specified that such pathology is anatomic and forensic pathology.

While both the introduced and the substitute provide for the employment of deputy medical examiners who must hold or be eligible to hold an applicable certification, the substitute additionally provides for the employment of assistant medical examiners in the same manner.