

BILL ANALYSIS

Senate Research Center

H.B. 3265
By: Uher (Madla)
Administration
5/13/1999
Committee Report (Amended)

DIGEST

Currently, a justice of the peace is required to either direct a physician to perform an autopsy or to certify that no autopsy is necessary, for each body that is subject to an inquest. If there are no indications of foul play and the family members of the deceased person do not want an autopsy performed, this situation may place an undue burden on the justice and the county. While the law authorizes a justice to waive the autopsy, many are concerned with liability. H.B. 3265 would require a justice of the peace to either direct a physician to perform an autopsy or to certify that no autopsy is necessary, at the justice's discretion.

PURPOSE

As proposed, H.B. 3265 authorizes the justice of the peace to have the discretion in certain autopsy matters regarding an inquest on a dead body.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 49.10(c), Code of Criminal Procedure, to require a justice of the peace, in the justice's discretion, to direct a physician to perform an autopsy or to certify that no autopsy is necessary, except as required by Section 264.514, Family Code, for each body that is the subject of an inquest.

SECTION 2. Emergency clause.
Effective date: upon passage.