

## **BILL ANALYSIS**

Senate Research Center  
77R2545 GWK-F

S.B. 164  
By: Madla  
Jurisprudence  
2/15/2001  
As Filed

### **DIGEST AND PURPOSE**

The 70th Legislature deleted the terminology in the Code of Criminal Procedure that permitted a county judge and other listed officials to conduct an inquest if the justice of the peace (justice) was unavailable. This has placed an added burden on counties, some of which only have one justice, to initiate a death inquest when the justice or justices are out of the county fulfilling educational requirements or personal responsibilities. Many Texas counties do not have medical examiners to initiate an emergency death inquest. As proposed, S.B. 164 returns to statutory provision, the ability of another county elected official to perform inquest duties when necessary.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 49.07 (c), Code of Criminal Procedure, to require if the justice of the peace who serves the precinct in which the body was found is not available to conduct an inquest, a person required to give notice under this article is to give notice under this article to the nearest justice of the peace serving the county in which the body was found, and that justice of the peace will conduct the inquest.

Requires that if no justice of the peace serving the county in which the body was found is available to conduct an inquest, a person required to give notice under this article is required to notify the county judge, and the county judge will initiate the inquest. Authorizes the county judge to exercise any power and perform any duty otherwise granted to or imposed under this subchapter on the justice of the peace serving the county in which the body was found, except that not later than the fifth day after the day on which the inquest is initiated, the county judge is required to transfer all information obtained by the judge to the justice of the peace in whose precinct the body was found for final disposition of the matter.

SECTION 2. Effective date: upon passage or September 1, 2001.