

BILL ANALYSIS

Senate Research Center
83R3857 AJZ-F

S.B. 457
By: Rodríguez
Open Government
3/14/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, photographic and x-ray autopsy records held by a medical examiner are not subject to mandatory disclosure under the Texas Public Information Act. However, current law provides that each time a request for such records is made, the medical examiner must request a decision from the attorney general regarding whether they must be disclosed.

S.B. 457 provides that the governmental body is not required to seek an open records decision from the Texas attorney general if the governmental body declines to provide the photograph or x-ray.

As proposed, S.B. 457 amends current law relating to the confidentiality of certain autopsy records.

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 Section 11, Article 49.25, Code of Criminal Procedure, as follows:

- (a) Creates this subsection from existing text, and makes no further changes.
- (b) Authorizes a governmental body as defined by Section 552.003 (Definitions), Government Code, under the exception to public disclosure provided by Subsection (a), to withhold a photograph or x-ray described by Subsection (a) (relating to a medical examiner keeping full and complete records in an autopsy report) without requesting a decision from the attorney general under Subchapter G (Attorney General Decisions), Chapter 552, Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.