

By: Larson

H.B. No. 298

Substitute the following for H.B. No. 298:

By: Smithee

C.S.H.B. No. 298

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a parent's right to view the body of a deceased child
3 before an autopsy is performed.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 49, Code of Criminal Procedure, is
6 amended by adding Subchapter D to read as follows:

7 SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

8 Art. 49.51. DEFINITIONS. In this subchapter:

9 (1) "Child" means a person younger than 18 years of
10 age.

11 (2) "Parent" has the meaning assigned by Section
12 160.102(11), Family Code.

13 Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD. (a)
14 Except as provided by Subsection (b), a parent of a deceased child
15 is entitled to view the child's body before a justice of the peace
16 or the medical examiner, as applicable, for the county in which the
17 death occurred assumes control over the body under Subchapter A or
18 B, as applicable. If the child's death occurred at a hospital or
19 other health care facility, the viewing may be conducted at the
20 hospital or facility.

21 (b) A parent of a deceased child may not view the child's
22 body after a justice of the peace or medical examiner described by
23 Subsection (a) assumes control over the body under Subchapter A or
24 B, as applicable, unless the parent first obtains the consent of the

1 justice of the peace or medical examiner or a person acting on
2 behalf of the justice of the peace or medical examiner.

3 (c) A viewing under Subsection (b) of the body of a deceased
4 child whose death has been determined by a justice of the peace or
5 medical examiner described by Subsection (a) to be subject to an
6 inquest under Article 49.04 or Article 49.25, as applicable, must
7 be conducted in compliance with the following conditions:

8 (1) the viewing must be supervised by a physician,
9 registered nurse, or licensed vocational nurse or by the justice of
10 the peace or the medical examiner or a person acting on behalf of
11 the justice of the peace or medical examiner;

12 (2) a parent of the deceased child may not have contact
13 with the child's body unless the parent first obtains the consent of
14 the justice of the peace or medical examiner or a person acting on
15 behalf of the justice of the peace or medical examiner; and

16 (3) a person may not remove a medical device from the
17 child's body or otherwise alter the condition of the body for
18 purposes of conducting the viewing unless the person first obtains
19 the consent of the justice of the peace or medical examiner or a
20 person acting on behalf of the justice of the peace or medical
21 examiner.

22 (d) A person is not entitled to compensation for performing
23 duties on behalf of a justice of the peace or medical examiner under
24 this article unless the commissioners court of the applicable
25 county approves the compensation.

26 SECTION 2. This Act takes effect September 1, 2017.