

AN ACT

relating to a parent's right to view the body of a deceased child before an autopsy is performed.

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

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

SUBCHAPTER D. PARENTAL RIGHT TO VIEW DECEASED CHILD

Art. 49.51. DEFINITIONS. In this subchapter:

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

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

Art. 49.52. PARENTAL RIGHT TO VIEW DECEASED CHILD.

(a) Except as provided by Subsection (b) or (c), a parent of a deceased child is entitled to view the child's body before a justice of the peace or the medical examiner, as applicable, for the county in which the death occurred assumes control over the body under Subchapter A or B, as applicable. If the child's death occurred at a hospital or other health care facility, the viewing may be conducted at the hospital or facility.

(b) A parent of a deceased child may not view the child's body after a justice of the peace or medical examiner described by Subsection (a) assumes control over the body under Subchapter A or 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 of the body of a deceased child whose death is  
4 determined to be subject to an inquest under Article 49.04 or 49.25,  
5 as applicable, must be conducted in compliance with the following  
6 conditions:

7 (1) the viewing must be supervised by:

8 (A) if law enforcement has assumed control over  
9 the body at the time of the viewing, an appropriate peace officer  
10 or, with the officer's consent, a person described by Paragraph  
11 (B); or

12 (B) a physician, registered nurse, or licensed  
13 vocational nurse or the justice of the peace or the medical examiner  
14 or a person acting on behalf of the justice of the peace or medical  
15 examiner;

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

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

26 (d) A person is not entitled to compensation for performing  
27 duties on behalf of a justice of the peace or medical examiner under

1 this article unless the commissioners court of the applicable  
2 county approves the compensation.

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 239 passed the Senate on April 20, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 239 passed the House on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor