

SUBJECT: Permitting municipal court judges to conduct inquests into deaths

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 10 ayes — Gallego, Christian, Fletcher, Kent, Miklos, Moody, Pierson, Riddle, Vaught, Vo

0 nays

1 absent — Hodge

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify:* Shanna Igo, Texas Municipal League)

BACKGROUND: Code of Criminal Procedure, ch. 49, subch. A requires a justice of the peace in certain situations to order an inquest or investigation into the cause and circumstances of the death of a person and to determine, with or without a formal court hearing, whether the death was caused by an unlawful act or omission. The provision applies to deaths when the body or a body part is found in the justice of peace's precinct.

Code of Criminal Procedure, ch. 49, subch. B requires that inquests into unnatural or suspicious deaths in larger Texas counties be investigated by a medical examiner's office.

DIGEST: CSHB 1399 would amend Code of Criminal Procedure, ch. 49 to allow municipal court judges the same authority as justices of the peace or medical examiners to conduct an inquest into any unnatural or suspicious deaths that occur within the city. The bill also would give the person required to report the death the option of notifying the municipal judge or the appropriate justice of the peace.

CSHB 1399 would require that the city's governing body pay the costs for an autopsy or other medical services required for the municipal judge's

inquest, much as Code of Criminal Procedure, ch, 49 requires that county commissioners courts pay the expenses of justice of the peace inquests.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 1399 would provide another option to hold inquests into unnatural or suspicious deaths in smaller cities where there may not be a large number of justices of the peace or where the county is not required to maintain a medical examiner's office. The bill would not preclude existing authority of justices of the peace to order inquests of death that occur in their precincts, but it would provide relief to overburdened justices of the peace and allow the inquest and determination of a cause of death to be completed in a timely manner.

CSHB 1399 would provide a workable funding mechanism for trained pathologists or toxicologists to conduct autopsies or analysis and other medical services. Current law already requires counties to fund inquests held by justices of the peace. The responsibility would be shared by the same people whether the city or the county paid the costs associated with the inquests.

**OPPONENTS
SAY:**

CSHB 1399 is unnecessary because justices of the peace already can order inquests and make rulings in suspicious and unnatural deaths, and their existing precinct jurisdictions encompass all of the state. In larger counties, the duties are handled by professional medical examiners. Allowing municipal judges to order inquests into deaths could cause confusion about who should make a ruling on a cause of death.

The bill could impose additional financial burdens on municipalities to pay the expenses associated with an inquest into a death.

**OTHER
OPPONENTS
SAY:**

CSHB 1399 should clarify the jurisdictional authority between the municipal judge and justice of the peace to prevent duplicate and possibly conflicting inquest proceedings and rulings in the cause of death.

NOTES:

The substitute differs from the original bill in its inclusion of the provision that would require that the municipality's governing body be responsible for paying the expenses associated with the municipal judge's inquest into

unnatural and suspicious deaths.