

- SUBJECT:** Allowing a justice from another county to conduct a death inquest
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Smithee, Farrar, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 0 nays
- WITNESSES:** For — Bill Gravell, Roxanne Nelson, and Margaret Sawyer, Justices of the Peace and Constables Association; Lynn Holt, Texas Justice Court Judges Association; (*Registered, but did not testify:* Gina Ferguson, Brazoria County Clerk; Celeste Bichsel, Joyce Hudman, and Teresa Kiel, County and District Clerks Association of Texas; Jim Allison, County Judges and Commissioners Association of Texas; Melissa Shannon, Bexar County Commissioners Court; Charles Reed, Dallas County Commissioners Court; Jennifer Lindenzweig, Hunt County Clerk; Wayne Mack, Bobby Gutierrez, Carlos Lopez; Jama Pantel, and Andrea Schiele, Justices of the Peace and Constables Association of Texas; Ender Reed, Texas Association of Counties; Cindy Atkins; Paul Hudman)
- Against — None
- BACKGROUND:** Code of Criminal Procedure, ch. 49, subch. A governs the duties of a justice of the peace performing a death inquest in a county that does not have a medical examiner's office or does not belong to a medical examiner's district. For a death that requires an inquest, a justice of the peace or county judge in the county where the death occurred must initiate the inquest. Art. 49.07 outlines the steps that a physician or person reporting the death must follow to notify the appropriate justice.
- Government Code, sec. 27.054 establishes circumstances under which, by request, a justice of the peace may hold court in place of another justice of the peace in any county. This is known as a “bench exchange.”
- DIGEST:** HB 799 would amend Code of Criminal Procedure, art. 49.07 to allow a

death inquest in a county without a medical examiner to be conducted by a justice of the peace from a county other than the one where the death occurred, under certain circumstances.

Under the bill, in the event that a justice of the peace or county judge who had been notified of a death was unavailable to conduct an inquest, the physician or person reporting the death could ask the justice of the peace or county judge to request that a justice of the peace of another county without a medical examiner conduct the inquest.

HB 799 would require the out-of-county justice of the peace to transfer all inquest-related information back to the county of origin within five days for final disposition on the matter. The visiting justice of the peace would be entitled to no compensation, other than mileage, from the receiving county.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 799 would help ensure that counties without medical examiners were able to competently perform death inquests in times of need, even when a local justice of the peace or county judge was unavailable. Under current law, death inquests in such counties must be performed by a justice of the peace or by the county judge when a person dies an unnatural death or the cause of a person's death is not known. If neither the justice of the peace nor the county judge is available, a county may have no way to initiate a timely investigation into the cause and manner of death. Without a final disposition of the cause of death, a deceased person's family cannot receive a certified copy of the death certificate, which may be necessary for finalizing a burial, addressing a life insurance claim, or contacting the Social Security Administration.

Because 69 Texas counties are served by only one justice of the peace and 47 counties have only two, these individuals are constantly on call, and it can be difficult for them to take leave. Many of these counties are geographically large, and it can take hours to travel from one end to

another. In addition, mass-casualty incidents in counties served by only one justice of the peace can place a major physical and psychological burden on that justice. These factors could be mitigated by allowing justices of the peace in other counties to provide assistance.

Current law allows justices of the peace to conduct bench exchanges for holding court, and HB 799 would extend this practice to death inquests. By requiring the transfer of all case information back to the justice of the peace in the county of origin within five days, the bill would ensure that accountability for final disposition rested with the county's elected official.

OPPONENTS
SAY: No apparent opposition.

NOTES: A companion bill, SB 378 by Perry, was reported favorably by the Senate State Affairs Committee on Feb. 21.