

BILL ANALYSIS

Senate Research Center
85R4045 YDB-D

H.B. 799
By: Murr et al. (Perry)
Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This issue first came to light on February 12, 2016, when Supreme Court Justice Antonin Scalia sadly passed away in his sleep in Presidio County, Texas. At that time, a justice of the peace (JP) was not available in the county to complete the inquest, so the inquest was completed over the phone. Texas received much criticism over that situation.

H.B. 799 creates a solution to this problem and comes at the request of the JP and Constable Association. Sections 27.054 and 27.055, Government Code, allow a judge or JP to appoint another to perform their duties. This process works well if the JP or judge knows they will be unavailable ahead of time. However, a problem arises when the JPs and judges are all out of town or unavailable or an emergency arises. In such a case, statutory authority is needed to allow exchange of benches for inquests.

H.B. 799 amends current law relating to the persons authorized to conduct an inquest in certain counties.

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 the heading to Subchapter C, Chapter 27, Government Code, to read as follows:

SUBCHAPTER C. CONDUCTING COURT AND INQUESTS

SECTION 2. Amends Subchapter C, Chapter 27, Government Code, by adding Section 27.0545, as follows:

Sec. 27.0545. EXCHANGE OF BENCHES: INQUESTS. (a) Authorizes the justice of the peace (JP) of the precinct in which a person's death occurred or the county judge, if a JP or the county judge of a county to which Subchapter A (Duties Performed by Justices of the Peace), Chapter 49 (Inquests Upon Dead Bodies), Code of Criminal Procedure, applies is not available to conduct an inquest into the death occurring in the county, to request a JP of another county to which that subchapter applies to conduct the inquest.

(b) Requires a JP who on request conducts an inquest under this section to, not later than the fifth day after the date the inquest is initiated, transfer all information related to the inquest to the JP of the precinct in which the death occurred for final disposition of the matter.

(c) Provides that a JP who conducts an inquest under this section is not entitled to receive from the commissioners court of the county in which the death occurred any compensation, other than mileage, for conducting the inquest.

SECTION 3. Amends Article 49.07(c), Code of Criminal Procedure, by adding Subdivision (3), as follows:

(3) Authorizes a person required to give notice under this article (Notification of Investigating Official), if a JP or the county judge serving the county in which the body or body part was found is not available to conduct an inquest, to ask the JP of the precinct in which the body or body part was found or the county judge to request a JP of another county to which this subchapter applies to conduct the inquest. Requires the JP that conducts the inquest to, not later than the fifth day after the date the inquest is initiated, transfer all information related to the inquest to the JP of the precinct in which the body or body part was found for final disposition of the matter. Requires that all expenses related to the inquest be paid as provided by this chapter.

SECTION 4. Effective date: September 1, 2017.