

INQUESTS: AUTOPSIES & TRANSPORT

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RESOURCES

- Ch. 49, Code of Criminal Procedure
- Ch. 694, Health & Safety Code
- Ch. 264, Subchapter F, Health & Safety Code
- Sec. 716.004, Health & Safety Code
- AG Opinion JC-0542 (2002), KP-0083 (2016)
- Inquests Deskbook

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INQUEST REVIEW – LEGISLATIVE CHANGES

- Inquest Bench Exchange – HB 799
- Parents Viewing Child’s Body – SB 239 (Wyatt’s Law) – *now applies to all children, regardless of age*
- DSHS provides training on child death inquest issues; timeliness of reporting, JP must report to county child fatality team within 120 days - HB 1549

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INQUEST REVIEW – WHICH DEATHS REQUIRE AN INQUEST

- All “unnatural” deaths
- All “unattended” deaths
- Any where suicide or “unlawful means” may be indicated
- All deaths in jail or prison
 - Other than executions or other ‘expected’ deaths

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INQUEST REVIEW – JP’S DUTIES DURING AN INQUEST

- Definition of inquest: “an investigation into the cause and circumstances of the death of a person, and a determination, made with or without a formal court hearing, as to whether the death was caused by an unlawful act or omission.” - CCP 49.01

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INQUEST REVIEW – JP’S DUTIES DURING AN INQUEST

- Nowhere listed there –
 - Pronounce someone dead
 - Arrange for pauper burial – HSC 694.002
 - Keep evidence or dispose of property

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INQUEST REVIEW – JP'S DUTIES DURING AN INQUEST

- JP inquest is independent of law enforcement investigation
 - Must still work together, but not rubber stamping
- Formal v. informal, finding resources to determine the answers

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INQUEST REVIEW – DETERMINING CAUSE AND MANNER OF DEATH

- When are autopsies mandatory?
 - Costs? Art. 49.10(o)
- When else might an autopsy be ordered?
 - Consultation (costs?) – Art. 49.10(a),(b)
- Family issues?
 - Ch. 49, Subchapter C
- Other options to full autopsy?

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INQUEST REVIEW – AUTOPSY RECORDS

- Open to public inspection
 - Gov't Code 27.004
 - AG Opinion JC-0542 (2002)
 - But “sealed envelope” in 49.15?? – *eliminated in 2019*
 - Court Order

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INQUEST REVIEW – CREMATION ISSUES

- Authority to Cremate – Art. 49.09
 - Only on deaths subject to inquest
- Waiver of 48 hour window – HSC 716.004
 - Can sign on any death
 - Must have written policy for requesting waiver

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INQUEST REVIEW – DISPOSITION OF BODY

- Moving body from the scene
 - Art. 49.05
- How does the body get to the place where autopsy will be performed?
 - Art. 49.10(h)
- How does the body go from there to the correct location?
 - Secs. 691.023 & 711.002(e), H&S Code; AG KP-0083

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INQUEST REVIEW – DISPOSITION OF BODY

- Burial Transit Permit
 - When?
 - Who?
- <https://dshs.texas.gov/vs/field/docs/Handbook-on-Death-Registration.pdf>

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