

CODE OF CRIMINAL PROCEDURE  
TITLE 1. CODE OF CRIMINAL PROCEDURE  
CHAPTER 49A. DEATH INQUESTS

SUBCHAPTER A. GENERAL PROVISIONS

Text of article effective on April 01, 2027

Art. 49A.001. DEFINITIONS. In this chapter:

(1) "Autopsy" means a postmortem examination of the body of a person, including x-rays and an examination of the internal organs and structures after dissection, to determine the cause of death or the nature of any pathological changes that may have contributed to the death.

(2) "Inquest" means an investigation into the cause and circumstances of the death of a person, and a determination, made with or without a formal court hearing, regarding whether the death was caused by an unlawful act or omission.

(3) "Inquest hearing" means a formal court hearing held:

(A) to determine whether the death of a person was caused by an unlawful act or omission; and

(B) if the death was caused by an unlawful act or omission, to obtain evidence supporting a criminal prosecution.

(4) "Institution" means a place where health care services are provided, including a hospital, clinic, health facility, nursing home, extended care facility, outpatient facility, foster care facility, and retirement home.

(5) "Physician" means a practicing doctor of medicine or doctor of osteopathic medicine who is licensed by the Texas Medical Board under Subtitle B, Title 3, Occupations Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.002. WHEN DECEASED PERSON OR BODY CONSIDERED UNIDENTIFIED. For purposes of this chapter, a deceased person or a

deceased person's body is considered unidentified if:

- (1) the deceased person's legal name is unknown; and
- (2) there is no known person with the duty to inter the deceased person's remains under Section [711.002\(a\)](#), Health and Safety Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

## SUBCHAPTER B. INQUESTS BY JUSTICE OF THE PEACE

Text of article effective on April 01, 2027

Art. 49A.051. APPLICABILITY. This subchapter applies to the inquest into a person's death that occurs in a county that:

- (1) does not have an office of medical examiner; and
- (2) is not part of a medical examiner's district.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.052. INDEPENDENT AUTHORITY AND DUTIES OF JUSTICE OF THE PEACE. The powers granted to and duties imposed on a justice of the peace under this subchapter are independent of the powers and duties of a law enforcement agency investigating a person's death.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.053. DEATHS REQUIRING INQUEST. (a) A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if:

- (1) the person dies in prison under circumstances other than those described by Section [501.055\(b\)](#), Government Code, or in jail;
- (2) the person dies an unnatural death from a cause other than a legal execution;
- (3) the body or a body part of a person is found and

either:

(A) the person is identified but the cause or circumstances of death are unknown; or

(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;

(4) the circumstances of the death indicate that the death may have been caused by unlawful means;

(5) the person dies by suicide or the circumstances of the death indicate that the death may have been caused by suicide;

(6) the person dies without having been attended by a physician;

(7) the person dies while attended by a physician who:

(A) is unable to certify the cause of death; and

(B) requests the justice to conduct an inquest;

or

(8) the person is a child younger than six years of age and an inquest is required by Chapter [264](#), Family Code.

(b) Except as provided by Subsection (c), a physician who attends the death of a person and is unable to certify the cause of death shall report the death to the justice of the peace of the precinct where the death occurred and request that the justice conduct an inquest.

(c) If a person dies in an institution and an attending physician is unable to certify the cause of death, the superintendent or general manager of the institution shall report the death to the justice of the peace of the precinct where the institution is located.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.054. REQUIRED NOTICE TO JUSTICE OF THE PEACE; OFFENSE. (a) A physician or other person who possesses a body or body part of a person whose death requires an inquest under Article [49A.053](#) shall immediately notify the justice of the peace of the precinct in which the body or body part was found.

(b) A peace officer who is notified of a death that requires

an inquest under Article [49A.053](#) shall immediately notify the justice of the peace of the precinct in which the body or body part was found.

(c) A person commits an offense if the person is required by this article to give notice and intentionally or knowingly fails to give the notice. An offense under this subsection is a Class C misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.055. ALTERNATE OFFICIALS REQUIRED TO CONDUCT INQUESTS; OFFENSE. (a) If the justice of the peace of the precinct in which the body or body part was found is not available to conduct an inquest, a person required to give notice under Article [49A.054](#) shall notify the nearest available justice of the peace of the county in which the body or body part was found, and that justice of the peace shall conduct the inquest.

(b) If each justice of the peace of the county in which the body or body part was found is not available to conduct an inquest, a person required to give notice under Article [49A.054](#) shall notify the county judge of that county, and the county judge shall initiate the inquest. Subject to Subsection (d), the county judge may exercise any power and perform any duty otherwise granted or imposed under this subchapter to or on the justice of the peace of the county in which the body or body part was found.

(c) This subsection applies only if each justice of the peace of the county in which the body or body part was found and the county judge of that county are not available to conduct an inquest. A person required to give notice under Article [49A.054](#) may ask the justice of the peace of the precinct in which the body or body part was found or the county judge of that precinct's county to request a justice of the peace of another county described by Article [49A.051](#) to initiate the inquest. All expenses related to the inquest must be paid as provided by this chapter.

(d) A person who initiates an inquest under Subsection (b) or (c) shall, not later than the fifth day after the date the

inquest is initiated, transfer all information obtained by the person and related to the inquest to the justice of the peace of the precinct in which the body or body part was found for final disposition of the matter.

(e) A person commits an offense if the person is required by this article to give notice and intentionally or knowingly fails to give the notice. An offense under this subsection is a Class C misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.056. REQUIRED NOTICE OF DEATH IN PENAL INSTITUTION. (a) If a person confined in a penal institution dies, the sheriff or other person in charge of the penal institution shall as soon as practicable provide notice of the death to the justice of the peace of the precinct in which the penal institution is located.

(b) This article does not apply to a death that occurs in a facility operated by or under contract with the Texas Department of Criminal Justice.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.057. AUTHORITY TO ACT ON CERTAIN INFORMATION. A justice of the peace conducting an inquest may act on:

(1) information the justice receives from a credible person; or

(2) facts within the justice's knowledge.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.058. TIME AND PLACE OF INQUEST. (a) A justice of the peace shall conduct an inquest as soon as practicable after the

justice receives notice of the death.

(b) A justice of the peace may conduct an inquest:

(1) at the place where the death occurred;

(2) at the place where the body was found;

(3) by videoconference with a person who is:

(A) designated by the justice of the peace; and

(B) present with the body for a death described

by Article [49A.053](#)(a)(6) or (7); or

(4) at any other place the justice determines is reasonable.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.059. OFFENSE: HINDERING AN INQUEST. (a) A person commits an offense if the person intentionally or knowingly hinders the entrance of a justice of the peace to a premises where a death occurred or a body was found.

(b) An offense under this article is a Class B misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.060. LIMITATIONS ON MOVING BODY AND PHYSICAL SURROUNDINGS; OFFENSE. (a) A justice of the peace may direct the removal of a body from the place of death or move any part of the physical surroundings of a body only after:

(1) a law enforcement agency is notified of the death and a peace officer has conducted an investigation into the death; or

(2) if a law enforcement agency has not begun an investigation into the death, a reasonable period has elapsed from the time the law enforcement agency was notified.

(b) A law enforcement agency that is notified of a death requiring an inquest under Article [49A.053](#) shall begin its investigation into the death as soon as practicable after the law

enforcement agency receives notice of the death.

(c) Except in emergency circumstances, a peace officer or other person conducting a death investigation for a law enforcement agency may not move the body or any part of the physical surroundings of the place of death without authorization from a justice of the peace.

(d) A person not authorized by law to move the body of a deceased person or any part of the physical surroundings of the body commits an offense if the person tampers with:

(1) a body that is subject to an inquest under Article [49A.053](#); or

(2) any part of the physical surroundings of the body described by Subdivision (1).

(e) An offense under Subsection (d) is punishable by a fine in an amount not to exceed \$500.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.061. AUTHORITY TO LOCK AND SEAL PREMISES OF DECEASED PERSON; LIABILITY OF ESTATE FOR EXPENSES; OFFENSE.

(a) If a body or body part that is subject to an inquest under Article [49A.053](#) is found on premises that were under the sole control of the deceased person, a justice of the peace or other person authorized under this subchapter to conduct an inquest may direct that the premises be locked and sealed to prohibit entrance by any person other than a peace officer investigating the death.

(b) Rent, utility charges, taxes, and any other reasonable expense that accrues against the property of the deceased person during the period the premises of the deceased person are locked and sealed under this article may be charged against the estate of the deceased person.

(c) A person, other than a peace officer, commits an offense if the person tampers with or removes a lock or seal placed on premises under this article.

(d) An offense under this article is a Class B misdemeanor.  
Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01,

eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.062. AUTHORITY TO DISINTER BODY. If a body or body part subject to an inquest under Article [49A.053](#) is interred and an authorized person has not conducted an inquest required under this subchapter, a justice of the peace may direct the disinterment of the body or body part to conduct an inquest.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.063. AUTOPSIES. (a) A justice of the peace may obtain the opinion of a county health officer or a physician regarding whether an autopsy is necessary to determine or confirm the nature and cause of a death.

(b) Unless an autopsy is required under Subsection (c)(2), for each body that is the subject of an inquest by a justice of the peace, the justice shall, in the justice's discretion:

- (1) direct a physician to perform an autopsy; or
- (2) certify that an autopsy is not necessary.

(c) A justice of the peace shall order an autopsy to be performed on a body if:

(1) the justice determines that an autopsy is necessary to determine or confirm the nature and cause of death;

(2) the deceased person was a child younger than six years of age and the death is determined under Section [264.514](#), Family Code, to be unexpected or the result of abuse or neglect; or

(3) the district attorney, criminal district attorney, or, if there is not a district or criminal district attorney, the county attorney directs the justice to order the autopsy.

(d) A justice of the peace shall request a physician to perform the autopsy.

(e) A justice of the peace may not order a person to perform an autopsy on the body of a deceased person whose death was caused



by:

- (1) Asiatic cholera;
- (2) bubonic plague;
- (3) typhus fever;
- (4) smallpox; or
- (5) a communicable disease during a public health disaster.

(f) If a person is injured in one county and dies in another county as a result of that injury, the attorney representing the state in the prosecution of felonies in the county in which the injury occurred may request a justice of the peace of the county in which the death occurred to order an autopsy to be performed on the body of that person. If the justice of the peace orders the autopsy to be performed, the county in which the person's injury occurred shall reimburse the county in which the person's death occurred.

(g) The commissioners court of the county shall pay a reasonable fee:

(1) to a physician performing an autopsy on the order of a justice of the peace, if a fee is assessed;

(2) for an opinion obtained by a justice of the peace under Subsection (a); and

(3) for the transportation of a body on the order of a justice of the peace to a place where an autopsy may be performed under this article or Article [49A.064](#).

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.064. TAKING SAMPLES; LIMITED AUTOPSIES. (a) If a justice of the peace determines that a complete autopsy is unnecessary to confirm or determine the cause of death, the justice may order a physician to take or remove from a body a sample of body fluids, tissues, or organs to determine the nature and cause of death. Except as provided by Subsection (b), a justice may not order a person other than a physician to take a sample from the body of a deceased person.

(b) A justice of the peace may order a physician, qualified

technician, paramedic, chemist, registered nurse, or licensed vocational nurse to take a specimen of blood from the body of a person:

(1) who died as the result of a motor vehicle collision if the justice determines that circumstances indicate that the person may have been driving while intoxicated; or

(2) to aid in the confirmation or determination of the cause and manner of the person's death while conducting an inquest. Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.065. CHEMICAL ANALYSES. (a) A justice of the peace may obtain a chemical analysis of a sample taken from a body to determine whether the death was caused, wholly or partly, by the ingestion, injection, or introduction into the body of a poison or other chemical substance. A justice may obtain a chemical analysis under this subsection from a chemist, toxicologist, pathologist, or other medical expert.

(b) A justice of the peace shall obtain a chemical analysis under Subsection (a) if requested by the physician who performed an autopsy on the body.

(c) The commissioners court shall pay a reasonable fee to a person who conducts a chemical analysis at the request of a justice of the peace.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.066. LIABILITY OF PERSON PERFORMING AUTOPSY OR TEST. A person who performs an autopsy or a test on a body on the order of a justice of the peace in the good faith belief that the order is valid is not liable for damages if the order is invalid.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Art. 49A.067. UNIDENTIFIED BODY. (a) A justice of the peace investigating an unidentified person's death described by Article 49A.053(a)(3)(B) shall report the death to the missing children and missing persons information clearinghouse of the Department of Public Safety and the National Crime Information Center not later than the 10th working day after the date the investigation began.

(b) A justice of the peace investigating an unidentified person's death described by Article 49A.053(a)(3)(B), or the justice's designee, shall enter into the National Missing and Unidentified Persons System information regarding all available identifying features of the unidentified body, including fingerprints, dental records, any unusual physical characteristics, and the clothing found on the body, not later than the earlier of:

(1) the 10th working day after the date that one or more identifying features of the unidentified body are determined; or

(2) the 60th day after the date the investigation began.

(c) A justice of the peace may order an investigative or laboratory test to determine the identity of a deceased person. After proper removal of a sample from a body, a justice may order a person specially trained in identification work to complete any test necessary to determine the identity of the deceased person.

(d) To enable the timely and accurate identification of the person, a medical examination on an unidentified person:

(1) must include:

(A) all available fingerprints and palm prints;

(B) dental charts and radiographs, including x-rays, of the teeth;

(C) frontal and lateral facial photographs with scale indicated;

(D) notation and photographs, with scale indicated, of a significant scar, mark, tattoo, or item of clothing

or other personal effect found with or near the body;

(E) notation of any antemortem medical condition;

(F) notation of any observation relevant to the estimation of time of death; and

(G) precise documentation of the body's burial location; and

(2) may include:

(A) full body radiographs, including x-rays; and

(B) hair specimens with roots.

(e) On discovering the body or body part of a deceased person in the circumstances described by Article [49A.053\(a\)\(3\)\(B\)](#), the justice of the peace may request aid in the examination of the body or body part from a forensic anthropologist who holds a doctoral degree in anthropology with an emphasis in physical anthropology. The forensic anthropologist:

(1) shall attempt to establish:

(A) whether the body or body part is of a human or animal;

(B) whether evidence of childbirth, injury, or disease exists; and

(C) the sex, race, age, stature, and physical anomalies of the body or body part; and

(2) may attempt to establish the cause, manner, and time of death.

(f) A person may not cremate or direct the cremation of an unidentified person's body under Article [49A.068\(a\)](#). If the body is buried, the justice of the peace shall record and maintain for a period of at least 10 years all information relating to the body and the burial location.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.068. CREMATION; OFFENSE. (a) A person may not cremate or direct the cremation of a body subject to an inquest under Article [49A.053](#) unless:

(1) the body is identified; and

(2) the person has received from the justice of the peace a certificate signed by the justice stating that:

(A) an autopsy was performed on the body under Article [49A.063](#) or [49A.064](#); or

(B) no autopsy was necessary.

(b) An owner or operator of a crematory shall retain a certificate received under Subsection (a) for a period of 10 years after the cremation date for the body named on the certificate.

(c) A person commits an offense if the person cremates or directs the cremation of a body without obtaining a certificate from a justice of the peace as required by Subsection (a). An offense under this subsection is a Class B misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.069. INQUEST HEARING; CONTEMPT. (a) A justice of the peace conducting an inquest may hold an inquest hearing if the justice determines that the circumstances warrant the hearing. The justice shall hold an inquest hearing if requested by a district attorney or a criminal district attorney of the county in which the body was found.

(b) An inquest hearing may be held with or without a jury unless the district attorney or criminal district attorney requests a jury for the hearing.

(c) A jury in an inquest hearing is composed of six persons. Jurors must be summoned in the same manner as jurors are summoned for county court.

(d) A justice of the peace may hold a public or private inquest hearing. If a person is arrested and charged with causing the death of another, the person and the person's counsel are entitled to be present at the inquest hearing, examine witnesses, and introduce evidence.

(e) A justice of the peace may:

(1) issue a subpoena to enforce the attendance of a witness at an inquest hearing;

(2) issue an attachment for a witness who is subpoenaed and fails to appear at the time and place cited on the subpoena; and

(3) require bail of a witness to secure the appearance of the witness at an inquest hearing or before a grand jury, examining court, or other court investigating a death.

(f) The justice of the peace shall:

(1) swear witnesses appearing at an inquest hearing;

(2) direct that all sworn testimony be reduced to writing; and

(3) sign the transcription.

(g) Only the following persons may question a witness at an inquest hearing:

(1) the justice of the peace;

(2) a person charged in the death under investigation and the person's counsel; and

(3) the attorney representing the state.

(h) A justice of the peace may hold in contempt of court a person who disrupts the proceedings of an inquest hearing. A peace officer may remove from court a person who is held in contempt of court under this subsection. The penalty for contempt of court under this subsection is a fine in an amount not to exceed \$100.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.070. OFFENSE: FAILING TO APPEAR AT INQUEST HEARING. (a) A juror who is properly summoned for an inquest hearing under Article [49A.069](#)(c) and fails to appear, other than a juror exempted by law from jury service, commits an offense.

(b) An offense under this article is punishable by a fine not to exceed \$100.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.071. INQUEST RECORD. (a) A justice of the peace or other person authorized under this subchapter to conduct an inquest shall make an inquest record for each inquest the justice or person conducts. The inquest record must include:

- (1) a report of the events, proceedings, findings, and conclusions of the inquest;
- (2) any autopsy report prepared in the case; and
- (3) all other papers of the case.

(b) As part of the inquest record, the justice of the peace shall make and keep a complete and permanent record of each inquest hearing. The inquest hearing record must include:

- (1) the name of the deceased person or, if the person is unidentified, a description of the body;
- (2) the time, date, and place where the body was found;
- (3) the time, date, and place where the inquest was held;
- (4) the name of each witness who testified at the inquest;
- (5) the name of each person who provided to the justice information relevant to the inquest;
- (6) the amount of bail set for each witness and for each person charged in the death;
- (7) a transcript of the testimony given by each witness at the inquest hearing;
- (8) the autopsy report, if an autopsy was performed; and
- (9) the name of each person arrested as a suspect in the death who appeared at the inquest and the details of that person's arrest.

(c) All papers of the inquest record must be:

- (1) marked with the case number;
- (2) clearly indexed;
- (3) maintained in the office of the justice of the peace; and
- (4) made available to the appropriate officials on request.

(d) The commissioners court shall pay a reasonable fee to a

person who records or transcribes sworn testimony during an inquest hearing.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.072. WARRANT OF ARREST. (a) A justice of the peace who is conducting an inquest into a person's death under this subchapter may issue a warrant for the arrest of a person suspected of causing the death if:

(1) the justice has knowledge that the suspect caused the death;

(2) the justice receives an affidavit stating that the suspect caused the death; or

(3) evidence is adduced at an inquest hearing that shows probable cause to believe the suspect caused the death.

(b) A peace officer who receives an arrest warrant issued by a justice of the peace shall:

(1) execute the warrant immediately; and

(2) detain the arrested person until the arrested person's discharge is ordered by the justice of the peace or other proper authority.

(c) A person who is charged in a death and arrested under a warrant issued by a justice of the peace shall remain in the custody of the arresting peace officer. A warrant issued by another magistrate is not sufficient authority to remove the arrested person from the peace officer's custody.

(d) A person charged in a death who has not been arrested under a warrant issued by a justice of the peace may be arrested on the order of a magistrate other than the justice of the peace and examined by that magistrate while an inquest is pending.

(e) A warrant of arrest issued under Subsection (a) is sufficient if it:

(1) is issued in the name of "The State of Texas";

(2) specifies the name of the person whose arrest is ordered or, if the person's name is unknown, reasonably describes the person;



(3) recites in plain language the offense with which the person is charged; and

(4) is signed and dated by a justice of the peace.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

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Art. 49A.073. COMMITMENT OF SUSPECT. If a justice of the peace finds at the conclusion of an inquest that a person who has been arrested in the case caused or contributed to the death that is the subject of the inquest, the justice may:

(1) commit the person to jail; or

(2) require the person to execute a bail bond with security for the person's appearance before the proper court to answer for the offense.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.074. PRESERVATION OF EVIDENCE. A justice of the peace shall:

(1) preserve all tangible evidence that the justice obtains in the course of an inquest that tends to identify the person who caused the death that is the subject of the inquest or show the actual cause of death; and

(2) deposit the evidence described by Subdivision (1) with the appropriate law enforcement agency to be stored in the agency's property room for safekeeping.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.075. OFFICE OF DEATH INVESTIGATOR. (a) The commissioners court of a county may establish an office of death investigator and employ one or more death investigators to assist a person in the county who conducts an inquest. A death investigator

serves at the will of the commissioners court and on terms set by the commissioners court.

(b) To be eligible for employment as a death investigator, a person must have experience or training in investigative procedures concerning the circumstances, manner, and cause of the death of a person.

(c) At the request and under the supervision of a justice of the peace or other person who conducts an inquest, a death investigator may assist the person conducting the inquest to:

(1) investigate the time, place, and manner of death; and

(2) lock and seal the premises of the deceased person.

(d) A death investigator who assists in an inquest under Subsection (c) shall, not later than eight hours after the death investigator completes the investigation, make a complete report of the death investigator's activities, findings, and conclusions to the justice of the peace or other person conducting the inquest.

(e) A death investigator employed under this article is entitled to receive compensation from the county in an amount set by the commissioners court.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.076. DUTY TO SIGN DEATH CERTIFICATES AND INQUEST ORDERS. The justice of the peace or other person who conducts an inquest under this subchapter shall sign the death certificate and each order that the justice or other person makes as a necessary part of the inquest.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.077. AUTHORITY TO REOPEN INQUEST BASED ON CERTAIN INFORMATION. A justice of the peace may reopen an inquest if, based on information provided by a credible person or facts within

the knowledge of the justice of the peace, the justice of the peace determines that reopening the inquest may reveal a different cause or different circumstances of death.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

#### SUBCHAPTER C. INQUESTS BY MEDICAL EXAMINER

Text of article effective on April 01, 2027

Art. 49A.101. CREATION OF OFFICE REQUIRED IN CERTAIN COUNTIES; AUTHORITY TO ESTABLISH OFFICE. The commissioners court of a county with a population of more than 2.5 million shall establish and maintain an office of medical examiner. The commissioners court of any other county may establish and maintain an office of medical examiner.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.102. CREATION OF MULTI-COUNTY MEDICAL EXAMINERS DISTRICT; WITHDRAWAL. (a) The commissioners courts of two or more counties may enter into an agreement to create a medical examiners district and to jointly operate and maintain an office of medical examiner of the district. The district must include the entire area of each county involved. The counties in the district must, when taken together, form a continuous area.

(b) A medical examiners district may have only one medical examiner. When a county becomes part of a medical examiners district, the effect is the same within the county as if an office of medical examiner had been established solely in that county.

(c) The district medical examiner has all the powers and duties within the district that a medical examiner who serves in a single county has within that county.

(d) The commissioners court of a county that is part of a medical examiners district may withdraw the county from the district if the court gives 12 months' notice of withdrawal to the

commissioners courts of all other counties in the district.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.103. INQUEST POWERS AND DUTIES OF JUSTICE OF THE PEACE APPLY TO MEDICAL EXAMINER; CONFLICT OF LAWS. (a) When the commissioners court of a county establishes an office of medical examiner, all powers and duties of justices of the peace in that county relating to a death investigation or an inquest transfer to the office of medical examiner.

(b) A subsequent general law relating to a duty of a justice of the peace in a death investigation or inquest applies to the medical examiner in that county only to the extent that the law is not inconsistent with this subchapter, Article [49A.152](#), or Article [49A.251](#), and those provisions prevail over a law or a part of law that otherwise conflicts with those provisions.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.104. WHICH MEDICAL EXAMINER REQUIRED TO CONDUCT INQUEST. An inquest authorized and required by this subchapter shall be conducted by the medical examiner of the county in which the death subject to the inquest occurred.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.105. APPOINTMENT AND QUALIFICATION OF MEDICAL EXAMINER. (a) The commissioners court of a county that establishes an office of medical examiner shall appoint the medical examiner. A person appointed as the medical examiner must be:

- (1) a physician licensed by the Texas Medical Board;
- or
- (2) a person who:

(A) is licensed and in good standing as a physician in another state;

(B) has applied to the Texas Medical Board for a license to practice medicine in this state; and

(C) has been granted a provisional license under Section [155.101](#), Occupations Code.

(b) A medical examiner serves at the will of the commissioners court that appointed the medical examiner.

(c) To the greatest extent possible, the commissioners court shall appoint a medical examiner who has training and experience in pathology, toxicology, histology, and other medico-legal sciences.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.106. EMPLOYEES. Subject to the approval of the commissioners court, the medical examiner may employ deputy examiners, scientific experts, trained technicians, officers, and other employees as necessary to properly perform the duties imposed on the medical examiner by this subchapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.107. SALARIES. The commissioners court of a county that establishes an office of medical examiner shall establish and pay the salaries and compensations of the medical examiner and the medical examiner's employees.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.108. PROVISION OF OFFICE SPACE AND LABORATORY FACILITIES. The commissioners court of a county that establishes an office of medical examiner shall:

(1) provide the medical examiner and the medical examiner's employees with adequate office space; and

(2) on request of the medical examiner, provide the medical examiner and the medical examiner's employees with laboratory facilities or make arrangements for the use of existing laboratory facilities in the county.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.109. DEATHS REQUIRING INQUEST BY MEDICAL EXAMINER.

(a) A medical examiner, or a medical examiner's authorized deputy, shall conduct an inquest if:

(1) a person dies within 24 hours after the person is admitted to an institution or in prison or jail;

(2) a person:

(A) dies an unnatural death from a cause other than a legal execution; or

(B) dies in the absence of a good witness;

(3) the body or a body part of a person is found and either:

(A) the person is identified but the cause or circumstances of death are unknown; or

(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;

(4) the circumstances of the death of a person indicate that the person may have died by unlawful means;

(5) a person dies by suicide or the circumstances of the person's death indicate that the person may have died by suicide;

(6) a person dies without having been attended by a physician, and the local health officer or registrar required to report the cause of death under Section [193.005](#), Health and Safety Code, does not know the cause of death;

(7) a person dies while attended by a physician who is unable to certify with certainty the cause of death as required by Section [193.004](#), Health and Safety Code; and

(8) the person is a child younger than six years of age and an inquest is required by Chapter 264, Family Code.

(b) When a medical examiner or an employee of the medical examiner receives notice under Article 49A.110(c) of a death of a person designated as a prospective organ donor for transplantation, the medical examiner or the medical examiner's deputy shall conduct an inquest on the person.

(c) The medical examiner, or the medical examiner's authorized deputy, shall conduct an inquest required by Subsection (a) in the county in which the medical examiner was appointed. The inquest may be conducted with or without a jury.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. 1610), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.110. REQUIRED NOTICE TO MEDICAL EXAMINER OF DEATHS. (a) A police officer, superintendent or general manager of an institution, physician, or other person who becomes aware of a person's death under circumstances described by Article 49A.109(a) shall immediately report the death to the office of medical examiner or the municipal or county police department. A report to the municipal or county police department under this subsection shall be immediately transmitted to the office of medical examiner.

(b) When a person dies under circumstances described by Article 49A.109(a)(7), the attending physician, or the superintendent or general manager of the institution in which the person died, shall report the death to the medical examiner of the county in which the death occurred and request an inquest.

(c) When a person designated as a prospective organ donor for transplantation by a physician dies under circumstances requiring the medical examiner of the county in which the death occurred, or the medical examiner's authorized deputy, to conduct an inquest, the administrative head of the facility in which the transplantation is to be performed shall provide notice of the death to the medical examiner or an employee of the medical examiner.

(d) If a local health officer or registrar of vital

statistics who is required to certify a person's cause of death does not know the cause of death, the officer or registrar shall provide notice of the death to the medical examiner of the county in which the death occurred and request an inquest.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.111. AUTHORITY TO ADMINISTER OATHS AND TAKE AFFIDAVITS DURING INQUEST. The medical examiner, or the medical examiner's authorized deputy, may administer oaths and take affidavits while conducting an inquest under this subchapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.112. MEDICAL EXAMINER MUST AUTHORIZE REMOVAL OF BODY; EXCEPTIONS. If a death occurs under circumstances described by Article [49A.109](#)(a), a person may not disturb or remove the body from the position in which the body is found without authorization from the medical examiner, or the medical examiner's authorized deputy, except to:

- (1) preserve the body from loss or destruction; or
- (2) maintain the flow of traffic on a highway, railroad, or airport.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.113. AUTHORITY TO DISINTER BODY. The medical examiner may cause a body to be disinterred for the purpose of an inquest if an inquest should have been conducted on the body before interment.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.



Text of article effective on April 01, 2027

Art. 49A.114. WHEN AUTOPSIES REQUIRED; USE OF FACILITIES.

(a) The medical examiner, or the medical examiner's authorized deputy, shall immediately perform an autopsy if:

(1) in the opinion of the medical examiner an autopsy is necessary; or

(2) an autopsy is requested by the district attorney or criminal district attorney or by the county attorney if there is not a district attorney or criminal district attorney.

(b) A medical examiner is not required to perform an autopsy on the body of a person whose death was caused by a communicable disease during a public health disaster.

(c) In performing an autopsy, the medical examiner or the medical examiner's authorized deputy may use a facility of a municipal or county hospital in the county or any other facility that is made available.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.115. LIMITED AUTOPSY. If the medical examiner considers a complete autopsy to be unnecessary to determine a person's cause of death, the medical examiner may perform a limited autopsy by taking blood samples or other samples of body fluids, tissues, or organs, to determine the cause of death or whether a crime has been committed.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.116. UNIDENTIFIED BODY: TESTING, REPORTING, AND DISPOSITION. (a) A person investigating an unidentified person's death described by Article [49A.109](#)(a)(3)(B) shall report the death to the missing children and missing persons information clearinghouse of the Department of Public Safety and the National Crime Information Center not later than the 10th working day after

the date the investigation began.

(b) A person investigating an unidentified person's death described by Article [49A.109\(a\)\(3\)\(B\)](#), or the person's designee, shall enter into the National Missing and Unidentified Persons System information regarding all available identifying features of the unidentified body, including fingerprints, dental records, any unusual physical characteristics, and the clothing found on the body, not later than the earlier of:

(1) the 10th working day after the date that one or more identifying features of the unidentified body are determined; or

(2) the 60th day after the date the investigation began.

(c) If a deceased person's body is unidentified, the medical examiner may authorize any investigative or laboratory test or process required to determine the person's identity and cause of death.

(d) To enable a timely and accurate identification of the person, a medical examination on an unidentified person:

(1) must include:

(A) all available fingerprints and palm prints;

(B) dental charts and radiographs, including x-rays, of the teeth;

(C) frontal and lateral facial photographs with scale indicated;

(D) notation and photographs, with scale indicated, of a significant scar, mark, tattoo, or item of clothing or other personal effect found with or near the body;

(E) notation of any antemortem medical condition;

(F) notation of any observation relevant to the estimation of time of death; and

(G) precise documentation of the body's burial location; and

(2) may include:

(A) full body radiographs, including x-rays; and

(B) hair specimens with roots.

(e) On discovering the body or body part of a deceased person in the circumstances described by Article [49A.109\(a\)\(3\)\(B\)](#), the medical examiner may request aid in the examination of the body or body part from a forensic anthropologist who holds a doctoral degree in anthropology with an emphasis in physical anthropology. The forensic anthropologist:

(1) shall attempt to establish:

(A) whether the body or body part is of a human or animal;

(B) whether evidence of childbirth, injury, or disease exists; and

(C) the sex, race, age, stature, and physical anomalies of the body or body part; and

(2) may attempt to establish the cause, manner, and time of death.

(f) A person may not cremate or direct the cremation of an unidentified person's body under Article [49A.118](#). If the body is buried, the investigating agency responsible for the burial shall record and maintain for a period of at least 10 years all information relating to the body and the burial location.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.117. DUTY TO TAKE CHARGE OF BODY IN ABSENCE OF NEXT OF KIN OR LEGAL REPRESENTATIVE. In the absence of a next of kin or a legal representative of the deceased person, the medical examiner, or the medical examiner's authorized deputy, shall take charge of the person's body and all property found with the body.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.118. CREMATION. (a) A body on which an inquest is authorized by this subchapter may not be cremated unless the body is identified and:

(1) an autopsy was performed as provided by this subchapter; or

(2) an autopsy was not necessary.

(b) Before a body may be cremated, the owner or operator of the crematory shall demand, and the medical examiner of the county in which the death occurred shall provide, a certificate that is signed by the medical examiner and that shows:

(1) an autopsy was performed on the body; or

(2) an autopsy was not necessary.

(c) Before providing a certificate under Subsection (b), the medical examiner shall determine whether, from all the circumstances surrounding the death, an autopsy is necessary.

(d) The owner or operator of a crematory shall preserve a certificate provided by a medical examiner under this article for a period of two years after the cremation date for the body.

(e) An autopsy by the medical examiner is not required as a prerequisite to cremation if the person's death was caused by:

(1) Asiatic cholera;

(2) bubonic plague;

(3) typhus fever; or

(4) smallpox.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.119. REPORTING CAUSE OF DEATH; KEEPING RECORDS; ISSUING DEATH CERTIFICATES. (a) For each inquest conducted, the medical examiner shall file with the district attorney or criminal district attorney of the county in which the death occurred, or shall file with the county attorney of that county if there is not a district attorney or criminal district attorney, a report stating:

(1) if the cause of death is determined beyond a reasonable doubt as a result of the inquest, the specific cause of death; and

(2) on completion of an autopsy, if any, the detailed findings of the autopsy.

(b) The medical examiner shall:

(1) keep full and complete records properly indexed for each person whose death is investigated, which must include:

- (A) the name, if known;
- (B) the place where the body was found;
- (C) the date;
- (D) the cause and manner of death; and
- (E) the full report and detailed findings of the autopsy, if any; and

(2) issue a death certificate.

(c) In any case in which further investigation of a person's death is advisable, the medical examiner shall promptly deliver copies of all records to the proper district, county, or criminal district attorney.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.120. WITHHOLDING OF RECORDS NOT PERMITTED; EXCEPTIONS. (a) Except as provided by Subsection (b) and subject to a discretionary exception under Chapter [552](#), Government Code, records described by Article [49A.119](#)(b) may not be withheld.

(b) A photograph or x-ray of a body taken during an autopsy is excepted from required public disclosure under Chapter [552](#), Government Code, but is subject to disclosure:

- (1) under a subpoena or under other law; or
- (2) if the photograph or x-ray is of the body of a person who died while in the custody of law enforcement.

(c) A governmental body, as defined by Section [552.003](#), Government Code, may withhold a photograph or x-ray under Subsection (b) without requesting a decision from the attorney general under Subchapter [G](#), Chapter [552](#), Government Code. This subsection does not affect the disclosure of a photograph or x-ray that is otherwise required by Subsection (b).

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.121. RELEASE OF CERTAIN RECORDS. (a) A medical examiner may release a copy of an autopsy report of a deceased person to an organ and tissue procurement organization, hospital, or other covered entity, as defined by Section [181.001](#), Health and Safety Code, that:

(1) treated the person before death; or

(2) procured an anatomical gift from the body of the person.

(b) The release of a report under this article is not considered a disclosure under Chapter [552](#), Government Code.

(c) A report obtained under this article is confidential and not subject to disclosure under Chapter [552](#), Government Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.122. FEES. (a) Subject to Subsections (b) and (c), a medical examiner may charge reasonable fees for services provided by the medical examiner's office under this subchapter and Article [49A.251](#), including cremation approvals, court testimonies, consultations, and depositions.

(b) The commissioners court must approve the amount of the fee described by Subsection (a) before the fee may be assessed. The fee may not exceed the amount necessary to provide the services described by that subsection.

(c) The fee described by Subsection (a) may not be assessed against the county's district attorney or a county office.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.123. GENERAL CRIMINAL OFFENSE. (a) A person commits an offense if the person knowingly violates this subchapter.

(b) An offense under this article is a Class B

misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

SUBCHAPTER D. INVESTIGATIONS AND REPORTS OF CERTAIN DEATHS BY  
OTHER OFFICIALS

Text of article effective on April 01, 2027

Art. 49A.151. COUNTY SERVED BY JUSTICE OF THE PEACE: NOTICE AND REPORT OF DEATH OCCURRING IN INSTITUTION. (a) For the purposes of this article, "institution" does not include a hospital.

(b) A superintendent or general manager of an institution who is required by Article [49A.053](#) to report to a justice of the peace the death of a person under the care, custody, or control of or residing in the institution shall:

(1) within 24 hours after the death of a person, notify the office of the attorney general of the person's death; and

(2) within 72 hours after the death of a person, prepare and submit to the office of the attorney general a report containing all facts relevant to the person's death.

(c) The superintendent or general manager shall make a good faith effort to obtain all facts relevant to a person's death and to include those facts in the report submitted under Subsection (b)(2).

(d) The office of the attorney general may investigate each death reported to the office by an institution that receives payments through the medical assistance program under Chapter [32](#), Human Resources Code.

(e) Subject to Subsection (f), the office of the attorney general shall make a report submitted under Subsection (b)(2) available to any interested person who submits a written request for access to the report.

(f) The office of the attorney general may deny a person access to the report or part of the report if the office determines that the report or part of the report is:

(1) privileged from discovery; or

(2) exempt from required public disclosure under Chapter 552, Government Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. 1610), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.152. COUNTY SERVED BY MEDICAL EXAMINER: NOTICE AND REPORT OF DEATH OCCURRING IN INSTITUTION; OFFENSE. (a) A superintendent or general manager of an institution who reports a death that occurred under circumstances described by Article 49A.109(a) to a medical examiner's office or a municipal or county police department must comply with the notice and reporting requirements of Article 49A.151.

(b) The office of the attorney general has the same powers and duties provided to the office under Article 49A.151 regarding the dissemination and investigation of the report.

(c) A person commits an offense if the person knowingly violates this article. An offense under this subsection is a Class B misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. 1610), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.153. COUNTY SERVED BY JUSTICE OF THE PEACE: INVESTIGATION AND REPORT OF DEATH OCCURRING WHILE CONFINED OR IN PEACE OFFICER CUSTODY. (a) In this article:

(1) "Correctional facility" means a confinement facility or halfway house operated by or under contract with the Texas Department of Criminal Justice.

(2) "In the custody of a peace officer" means:

- (A) under arrest by a peace officer; or
- (B) under the physical control or restraint of a peace officer.

(3) "State juvenile facility" means any facility or halfway house:

(A) operated by or under contract with the Texas



Juvenile Justice Department; or

(B) described by Section [51.02](#)(13) or (14), Family Code.

(b) This article applies to the inquest into a death occurring in a county described by Article [49A.051](#).

(c) If a person dies while in the custody of a peace officer or as a result of a peace officer's use of force or if a person confined in a jail, correctional facility, or state juvenile facility dies, the director of the law enforcement agency of which the officer is a member or of the facility in which the person was confined shall:

(1) not later than the 30th day after the date on which the person died, investigate the death and file a written report of the cause of death with the attorney general; and

(2) make a good faith effort to obtain all facts relevant to the death and include those facts in the report described by Subdivision (1).

(d) The attorney general shall make the report available to any interested person but may exclude any part of the report that the attorney general determines is privileged.

(e) Subsections (c) and (d) do not apply if a person's death occurs under circumstances described by Section [501.055](#)(b)(2), Government Code, in a facility operated by or under contract with the Texas Department of Criminal Justice.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

#### SUBCHAPTER E. INFORMED CONSENT FOR POSTMORTEM EXAMINATION OR AUTOPSY IN ALL COUNTIES

Text of article effective on April 01, 2027

Art. 49A.201. APPLICABILITY. This subchapter does not apply to an autopsy that:

(1) is ordered by the Texas Department of Criminal Justice or an authorized official of the department in accordance with Section [501.055](#)(d), Government Code; or

(2) a justice of the peace or medical examiner

determines is required under this chapter or other law.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.202. INFORMED CONSENT TO POSTMORTEM EXAMINATION OR AUTOPSY REQUIRED. (a) Except as provided by Subsection (b), a physician may not perform, or assist in the performance of, a postmortem examination or autopsy on the body of a deceased person unless the physician obtains the written informed consent of a person authorized to provide consent under Article [49A.203](#). The consent must be provided on the form prescribed under Article [49A.204](#).

(b) If, after exercising due diligence, a physician is unable to identify or contact a person authorized under Article [49A.203](#) to give consent to a postmortem examination or autopsy on the body of a deceased person, the physician may perform the examination or autopsy. The physician must:

(1) be authorized by a medical examiner, justice of the peace, or county judge, as appropriate, to perform the postmortem examination or autopsy; and

(2) perform the postmortem examination or autopsy not less than 24 hours and not more than 48 hours from the time:

(A) of the deceased person's death; or

(B) the physician or other person took possession of the body.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.203. PERSONS AUTHORIZED TO CONSENT TO POSTMORTEM EXAMINATION OR AUTOPSY. (a) Subject to Subsections (b) and (c), consent for a postmortem examination or autopsy may be given by any member of the following classes of persons who is reasonably available, in the following order of priority:

(1) the spouse of the decedent;

(2) the person acting as guardian of the person of the decedent at the time of death or the executor or administrator of the decedent's estate;

(3) the adult children of the decedent;

(4) the parents of the decedent; and

(5) the adult siblings of the decedent.

(b) If two or more members of a class listed in Subsection (a)(2), (3), (4), or (5) are entitled to give consent to a postmortem examination or autopsy, consent may be given by one member of the class unless another member of the class files an objection with the physician, medical examiner, justice of the peace, or county judge. If an objection is filed, the consent may be given only by a majority of the members of the class who are reasonably available.

(c) A person may not give consent under this article if, at the time of the decedent's death, a person in a class granted higher priority under Subsection (a) is reasonably available to give consent or to file an objection to a postmortem examination or autopsy.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.204. POSTMORTEM EXAMINATION OR AUTOPSY CONSENT FORM. The commissioner of state health services, in consultation with the Texas Medical Board, shall prescribe a standard written consent form for a postmortem examination or autopsy. The form must:

(1) include the name of the institution and the department of the institution that will perform the examination or autopsy;

(2) include a statement that the removal from the deceased person's body and retention by the physician of organs, fluids, prosthetic devices, or tissue may be required for purposes of comprehensive evaluation or accurate determination of a cause of death;

(3) provide the family of the deceased person with an

opportunity to place restrictions or special limitations on the examination or autopsy;

(4) include a separate section regarding the disposition of organs, fluids, prosthetic devices, or tissue after the examination or autopsy, including a prioritized list of the persons authorized to control that disposition, as provided by Chapter [692A](#), Health and Safety Code;

(5) provide for documented and witnessed consent;

(6) allow authorization for the release of the deceased person's remains to a funeral home or individual designated by the person giving consent for the postmortem examination or autopsy;

(7) include information regarding the rights described by Article [49A.205](#);

(8) list the circumstances under which a medical examiner is required by law to conduct an inquest or autopsy under Subchapter C;

(9) include a statement that the form is required by state law; and

(10) be written in plain language designed to be easily understood by the average person.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Text of article effective on April 01, 2027

Art. 49A.205. RIGHT TO NONAFFILIATED PHYSICIAN REVIEWING OR PERFORMING AUTOPSY. (a) A person authorized to consent to a postmortem examination or autopsy of a decedent under Article [49A.203](#) may request that a physician who is not affiliated with the institution where the death occurred:

(1) perform the postmortem examination or autopsy at another institution; or

(2) review the postmortem examination or autopsy conducted by a physician affiliated with the institution where the death occurred.

(b) A representative of the institution shall inform the person described by Subsection (a) of the person's right to request

the performance or review of a postmortem examination or autopsy by a nonaffiliated physician under Subsection (a) before the person consents to the postmortem examination or autopsy.

(c) A person who requests a nonaffiliated physician to perform or review a postmortem examination or autopsy shall bear the additional costs incurred as a result of the nonaffiliated physician's performance or review of the examination or autopsy under Subsection (a).

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

#### SUBCHAPTER F. MISCELLANEOUS PROVISIONS APPLICABLE IN ALL COUNTIES

Text of article effective on April 01, 2027

Art. 49A.251. WAITING PERIOD BEFORE CREMATION; OFFENSE.

(a) The body of a deceased person may not be cremated within 48 hours after the time of death as indicated on the death certificate, unless:

(1) the death certificate indicates death was caused by:

- (A) Asiatic cholera;
- (B) bubonic plague;
- (C) typhus fever; or
- (D) smallpox; or

(2) the time requirement is waived in writing by the medical examiner or, in counties not having a medical examiner, a justice of the peace.

(b) In a public health disaster, the Department of State Health Services may designate additional communicable diseases for which cremation within 48 hours after the time of death is authorized.

(c) A person commits an offense if the person knowingly violates this article. An offense under this subsection is a Class B misdemeanor.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.

Art. 49A.252. RIGHT OF PARENT OF DECEASED PERSON TO VIEW PERSON'S BODY. (a) In this article, "parent" has the meaning assigned by Section [160.102](#), Family Code.

(b) Except as otherwise provided by this article, a parent of a deceased person is entitled to view the person'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 B or C, as applicable. If the person's death occurred at a hospital or other health care facility, the parent may view the body at the hospital or facility.

(c) A parent of a deceased person may not view the person's body after the justice of the peace or medical examiner described by Subsection (b) assumes control over the body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(d) A parent may view the body of a deceased person under this article whose death is determined to be subject to an inquest under Article [49A.053](#) or [49A.109](#), as applicable, provided that the viewing is supervised by:

(1) if law enforcement has assumed control over the body at the time of the viewing, an appropriate peace officer or, with the officer's consent, a person described by Subdivision (2) or (3);

(2) a physician, registered nurse, or licensed vocational nurse; or

(3) the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(e) During a viewing under this article, a parent of a deceased person whose death is determined to be subject to an inquest under Article [49A.053](#) or [49A.109](#) may not have contact with the person's body unless the parent first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

(f) During a viewing under this article, a person may not

remove a medical device from or otherwise alter the condition of the body of a deceased person whose death is determined to be subject to an inquest under Article [49A.053](#) or [49A.109](#) for purposes of conducting the viewing unless the person first obtains the consent of the justice of the peace or medical examiner or a person acting on behalf of the justice of the peace or medical examiner.

Added by Acts 2025, 89th Leg., R.S., Ch. 202 (H.B. [1610](#)), Sec. 1.01, eff. April 1, 2027.