

## Inquests

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### Definitions Chapter 49 CCP

- 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.
- -Note: no where in that definition does it state there is a pronouncement of death.
- 49.01 (2)

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### Definitions Chapter 49 CCP

- Inquest hearing – a formal court hearing held to determine whether the death of a person was caused by an unlawful act or omission and if so, to obtain evidence to form the basis of a criminal prosecution.
- Best Practice -- have the county or district attorney involved in this proceeding simply because of the word "evidence".
- 49.01 (3)

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49.03 CCP - Authority

- The powers granted and duties imposed on a justice of the peace under this article are independent
- (not being subject to control by others)
- of the powers and duties of a law enforcement agency investigating a death.
- *What does that mean exactly?*

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AG Opinion GA-193 (2004)

- A justice of the peace has a mandatory duty to perform inquests when the statute requires it, and a commissioners court may not pay the JP additional compensation for doing so.
- However, this does not prohibit commissioners court from paying mileage to and from inquests, if the JP has a budget line item for this expenditure.

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Inmate Death

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49.04 -- When

- A justice of the peace SHALL conduct an inquest into the death of a person who dies in the county if:
- (1) The person dies in prison (except lawful execution) or in jail

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Sec. 501.055. Gov't Code –  
Report of Inmate Death

- (a) If an inmate dies while in the custody of the department, an employee of the facility who is in charge of the inmate shall immediately notify the nearest justice of the peace serving in the county in which the inmate died and the office of internal affairs for the department.
- **Does not apply if the inmate dies of natural causes while attended by a physician or a registered nurse or is lawfully executed.**

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"inmate in the custody of the  
department"

- (e) ...a convicted felon who:
- (1) is confined in a secure correctional facility operated by or under contract with the department; or
- (2) has been admitted for treatment into a hospital while remaining in the custody of the department.

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**Sec. 501.055. Gov't Code –  
What**

- The justice shall personally inspect the body\*\* and make an inquiry as to the cause of death. The justice shall make written copies of evidence taken during the inquest, and give one copy to the director and one copy to a district judge serving in the county in which the inmate died. The judge shall provide the copy to the grand jury and, if the judge determines the evidence indicates wrongdoing, instruct the grand jury to thoroughly investigate the cause of death.
- \*\*that means you must make a personal appearance in order to inspect the body.

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**Sec. 501.055. Gov't Code –  
Autopsy**

- (c) If an inmate dies of natural causes attended by doctor or nurse
- (1) the **department** shall immediately attempt to notify the next of kin of the inmate that the inmate has died,
- (2) state the time of the inmate's death, and
- (3) inform the next of kin that unless the next of kin objects to the department within eight hours of the stated time of death, an autopsy will be conducted on the inmate.

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**Sec. 501.055. Gov't Code –  
Autopsy**

- (d) If the next of kin consents to the autopsy or does not within eight hours of the time of death object to the department about the autopsy, the department or an authorized official of the department shall order an autopsy to be conducted on the inmate. The order of an autopsy under this subsection constitutes consent to an autopsy

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**Sec. 501.0551 Gov't Code – Anatomical Gifts**

- (a) The department, during the diagnostic process, shall provide each inmate with a form on which the inmate may indicate whether the inmate wishes to be an eye, tissue, or organ donor if the inmate dies while in the custody of the department.
- (b) If an inmate indicates on the form that the inmate wishes to be a donor, the effect is the same as if the inmate executed a statement of gift under (organ donor on your DL) Section 521.401, Transportation Code.
- (c) The department shall adopt procedures to provide inmates with the form described above.

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**Art. 49.18 – Death in Custody**

- 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 inform the justice of the peace of the precinct where the penal institution is located of the death. (Does not apply to a death that occurs in a facility operated by or under contract with the Texas Department of Criminal Justice)

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**Art. 49.18 -- “In the Custody”**

- “in the custody of a peace officer” means whenever the decedent was under arrest or under the actual physical control and restraint of an officer.
- (Op. Tex. Att’y Gen. GA-109 (2004)).

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**Art. 49.18 - Director Duty**

- 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 incarcerated 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 incarcerated shall investigate the death and file a written report of the cause of death with the attorney general no later than the 30th day after the date on which the person in custody or the incarcerated person died. (Does not apply to a lawful execution)

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**Art. 49.18 - Director Report**

- The director shall make a good faith effort to obtain all facts relevant to the death and include those facts in the report.
- The attorney general shall make the report, with the exception of any portion of the report that the attorney general determines is privileged, available to any interested person.
- (d) Definitions

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Unnatural, Unknown,  
Unlawful, and Suicide

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Art. 49.04 (continued)

- A justice of the peace SHALL conduct an inquest into the death of a person who dies in the county if:
  - (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, the cause of circumstances of death are unknown, and: the person is identified or unidentified*
- Plane crashes sometimes leave body parts, and not whole persons

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Art. 49.04 (continued)

- (4) the circumstances of the death indicate that the death may have been caused by unlawful means
- (5) the person commits suicide or the circumstances of the death indicate that the death may have been caused by suicide.

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Not Attended by Physician, or  
Physician Unable to Certify  
Cause of Death

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Art. 49.04 (shall conduct an inquest...)

- (6) the person dies without having been attended by a physician;
- (7) the person dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest;

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Art. 49.04 (b) – Unable to Certify

- (b) (Except when a patient dies in a hospital) A physician who attends the death of a person and who 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.

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49.04 (c) – Unable to Certify

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

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49.04 CCP – ‘Attending Physician’

- Even if the physician doesn't literally say, "I want a JP to conduct an inquest.", but says "I can't or won't certify..." this means JP is involved.

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49.04– ‘Attending Physician’

- So – does the physician have to actually be present when the person dies?
- No –
- FYI – when a person is admitted to a hospital, there must be an admitting diagnosis otherwise, the person cannot be admitted to the institution.
- However, if they die in the ER – they have not been 'admitted', so often the ER doctors do not like to sign the death certificates

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‘Attending Physician’

- A physician cannot order an autopsy for the purpose of determination of cause of death.
- However, does not prohibit the family from requesting an autopsy (they have to pay the autopsy bill and transport bill).

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Institution Death

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**Art. 49.24 – Death of a Resident of an Institution**

- (a) A superintendent or general manager of an institution who is required by Article 49.04 to report to a justice of the peace the death of an individual under the care, custody, or control of or residing in the institution shall:
- (1) notify the office of the attorney general of the individual's death within 24 hours of the death; and
- (2) prepare and submit to the office of the attorney general a report containing all facts relevant to the individual's death within 72 hours of the death.

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**49.01 (4) - Definition**

- ... means any place where health care services are rendered, including a hospital, clinic, health facility, nursing home, extended-care facility, out-patient facility, foster-care facility, and retirement home.

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Child Death

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Art. 49.04 ...  
shall conduct an inquest...

- (8) the person is a child younger than 6 yoa and an inquest is required by Chapter 264 of the Family Code

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Sec. 264.513. Family Code -When

- (a) A person who knows of the death of a child younger than six years of age shall immediately report the death to the medical examiner of the county in which the death occurs or, if the death occurs in a county that does not have a medical examiner's office or that is not part of a medical examiner's district, to a justice of the peace in that county.

\*Note: If law enforcement is notified first, that is more than all right. Law enforcement would then notify the proper JP.

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**Sec. 264.513. Family Code -  
When**

- (b) still must do other reporting requirements imposed by law (i.e.. child abuse or neglect)
- (c) Not required to report a death under this section that is the result of a motor vehicle accident. This subsection does not affect a duty imposed by another law to report a death that is the result of a motor vehicle accident.

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**264.514 Family Code - Report**

- (a) Shall hold an inquest to determine whether the death is unexpected or the result of abuse/neglect
- No inquest if the child's death is expected and is due to a congenital or neoplastic disease. A death caused by an infectious disease may be considered an expected death if:
  - (1) the disease was not acquired as a result of trauma or poisoning;
  - (2) the infectious organism is identified using standard medical procedures; and
  - (3) the death is not a reportable Communicable Disease.

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**264.514 Family Code - Report**

- (b) Shall immediately notify an appropriate local law enforcement agency if you determine that the death is unexpected or the result of abuse or neglect, and that agency shall investigate the child's death.
- (c) In this section, the terms "abuse" and "neglect" have the meaning assigned those terms by Section 261.001.

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**Art. 49.04 – Unidentified Child**

- (d) A justice of the peace investigating a unidentified child death 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.

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SIDS Death

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**Sec. 673.002 HSC - When**

- The death of a child 12 months old or younger shall be immediately reported to the justice of the peace, medial examiner, or other proper official as prescribed by law if:
- the child dies suddenly or is found dead; and
- the cause of death is unknown

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**Sec. 673.002 HSC - Autopsy**

- JP SHALL inform the child's legal guardian or parents that an autopsy SHALL be performed
- State shall reimburse a county \$500.00 for the cost of an autopsy if the primary cause of death is SIDS, subject to the availability of funds
- JP shall notify the parents of autopsy results
- Can use SIDS as primary cause of death of certificate

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Inquest Procedure

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**Art. 49.041. – Reopening an Inquest**

- 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.

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**Art. 49.05 Time of Inquest**

- (a) A justice of the peace shall conduct an inquest immediately or as soon as practicable after the justice receives notification of the death.

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**Art. 49.05 Place of Inquest**

- (b) A justice of the peace may conduct an inquest:
  - (1) at the place where the death occurred;
  - (2) where the body was found; or
  - (3) at any other place determined to be reasonable by the justice.
- Reasonable: Funeral Home

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**Art. 49.22. – Sealing Premises of Deceased**

- If a body or body part that is subject to an inquest is found on premises that were under the sole control of the deceased, a JP may direct that the premises be locked and sealed to prohibit entrance by any person other than a peace officer conducting an investigation of the death.
- Rent, utility charges, taxes, and all other reasonable expenses while the premises are locked and sealed may be charged against the estate of the deceased.

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Art. 49.22 - Offense

- It is a Class B misdemeanor if a person other than a peace officer tampers with or removes a lock or seal placed on premises under this article.

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Art. 49.05 - Moving the Body

- (c) A justice of the peace may direct the removal of a body from the scene of death or move any part of the physical surroundings of a body only after a law enforcement agency is notified of the death and a peace officer has conducted an investigation or,
- if a law enforcement agency has not begun an investigation, a reasonable time has elapsed from the time the law enforcement agency was notified.

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Art. 49.05 - Law Enforcement

- (d) A law enforcement agency that is notified of a death requiring an inquest under Article 49.04 of this code shall begin its investigation immediately or as soon as practicable after the law enforcement agency receives notification of the death.

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**Art. 49.05 - Moving the Body**

- (e) 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.
- (MVA – clearing the road for traffic purposes)

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**Art. 49.05 – Moving the Body**

- (f) A person not authorized by law to move the body of a decedent or any part of the physical surroundings of the body commits an offense if the person tampers with a body...
- Class C misdemeanor per 14.41 Penal Code, fine in an amount not to exceed \$500.

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**Art. 49.06 – Hindering an Inquest**

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

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**Art. 49.07 - Notification of Investigating Official**

- (a) A physician or other person who has possession of a body or body part of a person whose death requires an inquest under Article 49.04 of this code shall immediately notify the justice of the peace who serves the precinct in which the body or body part was found.
- again, if law enforcement is notified, that is perfectly fine – law enforcement shall notify a JP for an inquest

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**Art. 49.07 -L.E.O Must Notify**

- (b) A peace officer who has been notified of the death of a person whose death requires an inquest under Article 49.04 of this code shall immediately notify the justice of the peace who serves the precinct in which the body or body part was found.
- Comment: Under certain circumstances, JP may not be called until the law enforcement is ready for the JP to enter the premises.
- Establish these procedures by meeting with law enforcement, district attorney, etc.

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**Art. 49.07 - Nearest JP**

- (c)(1) If the justice of the peace who serves 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 this article shall notify the nearest available justice of the peace serving the county in which the body or body part was found, and that justice of the peace shall conduct the inquest.

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**County Judges not Exempt!**

- (2) If no justice of the peace serving the county in which the body or body part was found is available to conduct an inquest, a person required to give notice under this article shall notify the county judge, and the county judge shall initiate the inquest.

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**County Judges**

- The county judge may exercise any power and perform any duty otherwise granted to or imposed under this subchapter on the justice of the peace serving the county in which the body or body part was found, except that:
- not later than the fifth day after the day on which the inquest is initiated, the county judge shall transfer all information obtained by the judge to the justice of the peace in whose precinct the body or body part was found for final disposition of the matter.

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**Art. 49.08 - Information Leading to Inquest**

- A justice of the peace conducting an inquest may act on information the justice receives from any credible person or on facts within his knowledge.

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Office of Death Investigator

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**Art. 49.23. - What**

- The commissioners court may establish and employ one or more death investigators to provide assistance to those who conduct inquests.
- Entitled to receive compensation from the county in an amount set by the commissioners court.
- Serves at the will of the commissioners court and on terms and conditions set by the commissioners court

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**Art. 49.23 - Qualifications**

- Must have experience or training in investigative procedures concerning the circumstances, manner, and cause of the death of a deceased person.
- JP may request assistance from the investigator
  - Shall make a complete report of the their activities, findings, and conclusions to the JP not later than 8 hours after they complete the investigation

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Records

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**Art. 49.15. - Record**

- Shall make an inquest record for each inquest
- Must include a report of the events, proceedings, findings, and conclusions of the inquest
- Must include any autopsy prepared in the case and all other papers of the case
- All papers must be marked with the case number and be clearly indexed and be maintained in the office of the justice of the peace and be made available to the appropriate officials upon request.

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**Art. 49.15. - Record**

- (b) As part of the inquest record, the JP shall make and keep complete and permanent records of all inquest hearings, including:
  - (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 every witness who testified at the inquest;

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**Art. 49.15. – Record Cont.**

- (5) the name of every person who provided to the justice information pertinent to the inquest;
- (6) the amount of bail set for each witness and 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 every person arrested as a suspect in the death who appeared at the inquest and the details of that person's arrest.

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**Art. 49.15. - Record**

- (c) The commissioners court shall pay a reasonable fee to a person who records or transcribes sworn testimony during an inquest hearing.
- (d) The justice of the peace shall certify a copy of the inquest summary report and deliver the certified copy in a sealed envelope to the clerk of the district court. The clerk of the district court shall retain the summary report subject to an order by the district court.

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**Open Records**

- A JP may NOT withhold an autopsy report from public inspection even if a prosecutor determines that its release could hinder a murder investigation. ( Op. Tex. Att’y Gen. JC-0542 (2002).

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## “sealed envelope”

•The “sealed envelope” mentioned in Art. 49.15 is merely intended as a mechanism to help ensure that a complete and accurate record would reach the district court – not as a signal that the information is confidential. The AG concluded that a district attorney may find relief from the obligation to disclose by securing a court order\*\* requiring the autopsy report to be withheld from public inspection to prevent hindrance of the investigation and prosecution of the murder.

•\*\* Note –court order not from a JP.

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## Art. 49.16. - Orders and Death Certificates

•The justice of the peace or other person who conducts an inquest under this subchapter shall sign the death certificate and all orders made as a necessary part of the inquest.

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## Art. 49.17 - EVIDENCE

- A justice of the peace shall preserve all tangible evidence that the justice accumulates in the course of an inquest that tends to show the real cause of death or identify the person who caused the death. The justice shall:
  - (1) deposit the evidence with the appropriate law enforcement agency to be stored in the agency's property room for safekeeping; or
  - (2) deliver the evidence to the district clerk for safekeeping subject to the order of the court.

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Cremation

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**Art. 49.09 - Body Disinterred**

- A justice of the peace may direct the disinterment (exhumed) of the body or body part in order to conduct an inquest.

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**Art. 49.09 - Cremate**

- (b) A person may not cremate or direct the cremation of a body on which an inquest was performed unless the body is identified and the person has received from the justice of the peace a certificate signed by the justice stating that:
  - (1) an autopsy was performed on the body; or
  - (2) no autopsy was necessary.

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**Art. 49.09 - Cremate**

- Only sign if there was an Inquest
- Do not get caught up in the funeral homes requesting a signature for cremation.
- (c) they must retain the certificate for 10 years from the date of cremation
- (d) Class B misdemeanor if the person cremates a body without obtaining a certificate from a justice of the peace

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**Art. 49.09 - Cremate**

- (e) May not cremate If the body of a deceased person is unidentified.
- Justice of the peace shall record and maintain for not less than 10 years all information pertaining to the body and the location of burial if the body is buried.

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**713.007 HSC - Cremation Waiting Period**

- May not cremate human remains within 48 hours of the time of death on a death certificate unless the waiting period is waived in writing by:
- (1) a justice of the peace or medical examiner of the county in which the death occurred; or
- (2) a court order.

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### Waiver of waiting period

- Requires justices of the peace must have a WRITTEN policy for requesting a waiver of the 48 hour waiting period.
- How a person makes a request
- How the JP may process the request as quickly as possible
- During regular business hours and outside of regular business hours, including on a weekend day or holiday.

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### Autopsies and Tests

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### Art. 49.10 - Doctor's Opinion

- (a) At his discretion, a justice of the peace may obtain the opinion of a county health officer or a physician concerning the necessity of obtaining an autopsy in order to determine or confirm the nature and cause of a death.
- (b) The commissioners court of the county shall pay a reasonable fee for a consultation obtained by a justice of the peace.

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**49.10 Autopsy - Discretion**

- (c) (Except reportable child death) in every inquest, the justice of the peace shall:
- (1) direct a physician to perform an autopsy; or
- (2) certify that no autopsy is necessary.

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**49.10 Autopsy – No Discretion**

- (d) NO autopsy if death was caused by:
- Asiatic cholera,
- bubonic plague, typhus fever,
- Smallpox, or
- a communicable disease during a public health disaster.

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**49.10 Autopsy - No Discretion**

- (e) Shall order an autopsy if:
- (1) the justice determines that an autopsy is necessary to determine or confirm the nature and cause of death;
- (2) child <6 yo *and* unexpected/abuse/neglect; or
- (3) directed to do so by the DA or county attorney (if no DA)

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**49.10 - DA Orders Autopsy**

- (o) If a person is injured in one county and dies as a result of those injuries in another county, the prosecutor in the county where the injury occurred may request the JP in the county where the death occurred to order an autopsy be performed on the body of the deceased person.
- If the justice of the peace orders that the autopsy be performed, the county in which the injury occurred shall reimburse the county in which the death occurred.

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**49.10 - Fees for Ordered Autopsy**

- (f) A justice of the peace shall request a physician to perform the autopsy.
- (g) The commissioners court shall pay a reasonable fee to a physician performing an autopsy on the order of a justice of the peace, if a fee is assessed.
- (h) The commissioners court shall pay a reasonable fee for the transportation of a body to a place where an autopsy can be performed under this article if a justice of the peace orders the body to be transported to the place.

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**49.10 - Other Testing**

- (i) If a justice of the peace determines that a complete autopsy is unnecessary to confirm or determine the cause of death, may order a physician to take or remove from a body a sample of body fluids, tissues, or organs in order to determine the nature and cause of death.
- Except as provided by Subsection (j) of this article, a justice may not order any person other than a physician to take samples from the body of a deceased person.

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**49.10 - DWI Motor Vehicle Accident**

- (j) Only a physician can take samples unless JP suspects DWI MVA, then a qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse maybe ordered to take a specimen of blood from the body

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**Art. 49.11 - CHEMICAL ANALYSIS**

- (a) A JP may obtain a chemical analysis from a chemist, toxicologist, pathologist, or other medical expert to determine if death was caused by the poison or other chemical substance.
- (b) A JP shall order a chemical analysis if requested to do so 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.

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**Art. 49.12 - Liability of Person Performing Autopsy or Test**

- A person who performs an autopsy or makes 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.

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Unidentified Body

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**49.10 - Testing**

- (k) 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 any person specially trained in identification work to complete any tests necessary to determine the identity of the deceased person.

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**49.10 - Medical Examination**

- (l) A medical examination on an unidentified person shall include :
  - (1) all available fingerprints and palm prints;
  - (2) dental charts and X-rays of the person's teeth;
  - (3) frontal and lateral facial photographs with scale indicated;
  - (4) notation and photographs, of a significant scar, mark, tattoo, or item of clothing or other personal effect found with or near the body;

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**49.10 - Medical Examination Cont.**

- (5) notation of antemortem medical conditions;
- (6) observations pertinent to the estimation of time of death; and
- (7) precise documentation of the location of burial of the remains.
- (m) A medical examination on an unidentified person may include :
  - (1) full body radiographs (X-rays); and
  - (2) hair specimens with roots.

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**49.10 - Forensic Anthropologist**

- (n) On discovering the body or body part of an unidentified person JP may request the aid of a forensic anthropologist.
- Must hold a doctoral degree in anthropology with an emphasis in physical anthropology.
- Shall attempt to establish whether the body or body part is of a human or animal, whether evidence of childbirth, injury, or disease exists, and the sex, race, age, stature, and physical anomalies of the body or body part.
- May attempt to establish the cause, manner, and time of death.

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Inquest Hearing

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**Art. 49.14 -- When**

- (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 to do so by a district attorney or a criminal district attorney who serves 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 that the hearing be held with a jury.

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**Art. 49.14 - Jury**

- (c) A jury in an inquest hearing is composed of six persons. Jurors shall be summoned in the same manner as are jurors for county court. A juror who is properly summoned and fails to appear, other than a juror exempted by law, commits an offense. An offense under this subsection is punishable by a fine not to exceed \$100.

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**Art. 49.14 - Public or Private**

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

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### Art. 49.14 - Witnesses

- (e) A JP may issue a subpoena and may issue an attachment if they fail to appear
- (f) May require bail of a witness to secure the appearance of the witness
- (g) JP shall swear witnesses; justice and an attorney representing the state may examine witnesses; shall direct that all sworn testimony be reduced to writing and shall subscribe the transcription
- (h) Only the justice of the peace, a person charged in the death under investigation, the counsel for the person charged, and an attorney representing the state may question a witness at an inquest hearing.

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### Art. 49.14 - Contempt

- (i) A justice of the peace may hold a person who disrupts the proceedings of an inquest hearing in contempt of court. A person who is found in contempt of court under this subsection may be fined in an amount not to exceed \$100 and removed from court by a peace officer.

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Traffic Fatalities

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**550.081 TC – Must Report**

- JP shall submit a report by the 11th day of each calendar month in writing to the Texas Department of Public Safety of the death of a person that was the result of a traffic accident.
- Shall send report to crash records bureau of the department at its headquarters in Austin or any other office or bureau of the department

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**550.081 TC – Report Contents must include**

- Name of the deceased and whether the deceased was the operator or passenger or a pedestrian or other nonoccupant of a vehicle
- Date and county where occurred (location of the bridge if a collapse)
- Name of any laboratory, medical examiner's office, or other facility that conducted toxicological testing and

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**550.081 TC – Report Contents must include**

- Any toxicological results
  - If toxicological results are not available on the date a report must be submitted then:
    - (1) Include the statement "toxicological test results unavailable"; and
    - (2) submit a supplement that contains the information as soon as practicable after the

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**Toxicology Report  
Form CR-1001**

-  [www.dot.state.tx.us](http://www.dot.state.tx.us)
-  Services
-  Traffic operations
-  Crash records
-  Forms

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•For additional information :

•Tony Small  
[Tony.Small@txdps.state.tx.us](mailto:Tony.Small@txdps.state.tx.us)  
DPS Crash Records Bureau Manager  
5805 N. Lamar Blvd.  
Austin, Texas 78752  
(512) 424-7100 Office

•For additional information on forms and booklets  
please contact:

•DPS Crash Records Bureau  
5805 N. Lamar Blvd.  
Austin, Texas 78752  
(512) 424-2298 Office

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Reportable Injuries

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## Sec. 92.002 HSC – What Injuries

- Spinal cord injuries, traumatic brain injuries, and submersion injuries are reportable to the Department of State Health Services.
- “Spinal cord injury” (SCI)--An acute, traumatic lesion of the neural elements in the spinal canal, resulting in any degree of sensory deficit, motor deficits, or bladder/bowel dysfunction. [Title 25, Admin Code, Rule 103.2(18)]

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## Sec. 92.002 HSC – What Injuries Cont.

“Submersion injury”--The process of experiencing respiratory impairment from submersion/immersion in liquid. [Title 25, Admin Code, Rule 103.2(19)]

“Traumatic brain injury” means an acquired injury to the brain, including brain injuries caused by anoxia due to near drowning. The term does not include brain dysfunction caused by congenital or degenerative disorders or birth trauma. [Sec. 92.001(3) HSC]

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## 92.003 HSC – Report Contents

- Person’s name, address, age, sex, race, occupation, employer, attending physician
- Department of State Health Services will provide the form

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**Title 25, Rule 103.6, TX Admin Code - Report**

- All data should be transmitted at least quarterly; monthly electronic data submissions are recommended.
- Justices of the Peace shall submit data to the Registry within three months of the identification of a required reportable event.
- If a specialized reporting system exists for a required reportable event, then the case or suspected case must be submitted to all relevant reporting systems as defined in its respective data dictionary.

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**Submersion Report Form**

- [www.dshs.state.tx.us/injury/submerse/subform.doc](http://www.dshs.state.tx.us/injury/submerse/subform.doc)
- Texas Department of State Health Services
- Injury Epidemiology and Surveillance Program
- 1100 West 49<sup>th</sup> St. – T-706
- Austin, TX 78756-3199
- 512-458-7266
- Fax 512-458-7666

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**Online Reporting Now**

- If you are not already submitting your data, visit <https://injury.dshs.texas.gov/injury/login.do> to learn how!
- <http://www.dshs.state.tx.us/emstraumasystems/default.shtm>
- The Texas EMS/Trauma Registry

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- 7/28/16 eblast from TJCTC re TER electronic reporting of death certificates by physicians

**Request for Texas Electronic Registrar (TER)-Death**  
For Justices of the Peace and Medical Examiner Offices

|   |     |
|---|-----|
| Office Name   |     |
| TER Training Allowed  |     |
| Mailing Address   |     |
| City, State, Zip  |     |
| County Name   |     |
| Facility TER Administrator (The person who will receive TER and facilitate use of the web portal to obtain) |     |
| TER Administrator Telephone Number, Ext   | ( ) |
| TER Administrator E-Mail Address (Required)   |     |
| 2nd TER Facility Contact  |     |
| 2nd TER Facility Contact Telephone Number, Ext  | ( ) |
| 2nd TER Facility Contact E-Mail Address   |     |
| Network Support Specialist (NNS) (Complete person's name)   |     |
| NNS Telephone Number, Ext   | ( ) |
| E-Mail Address, NNS or Technical Help Desk  |     |

User Agreement for TER Death Registration

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- All Justices of the Peace are required to report data to the EMS/Trauma Registry online system.
- Data Reporting Rules as well as the EMS and Hospital Inclusion Criteria may be found through this link:  
<http://www.dshs.state.tx.us/injury/rules.shtm>.

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- In order to report data to the Texas EMS/Trauma Registry's online system, your entity must designate someone as the Account Manager, who will be the person responsible for ensuring the data reporting requirements are met.
- The person you designate as the Account Manager will be required to secure a logon for access to the registry's online system. Please forward the information below to the person designated as the Account Manager to begin the process of securing access to your EMS/Trauma Registry account used for submitting data for your entity.
- Portal URL:  
<https://injury.dshs.texas.gov/injury/portalLogin.do>

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**Sec. 193.002 & .005(h) HSC - Required Electronic Filing**

- The person in charge of interment or in charge of removal of a body from a registration district for disposition shall:
  - (1) obtain and file the death certificate or fetal death certificate;
  - (2) enter on the certificate the information relating to disposition of the body;
  - (3) sign the certificate; and
  - (4) file the certificate electronically as specified by the state registrar.

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**Sec. 193.002 & .005(h) HSC - Required Electronic Filing**

- (h) The person completing the medical certification shall submit the information and attest to its validity using an electronic process approved by the state registrar.

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Communicable Disease

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**Sec. 81.045(c) HSC – When**

- A justice of the peace who finds that a person's cause of death was a reportable disease or other communicable disease that they believe may be a threat to the public health shall immediately notify the health authority of the jurisdiction in which the finding is made or the Texas Department of Health

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**Sec. 81.003 HSC - What**

- "Communicable disease" means an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment.

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**Sec. 81.041 HSC – List of Diseases**

- (a) The board shall identify each communicable disease or health condition that shall be reported under this chapter.
  
- (c) The board shall maintain and revise as necessary the list of reportable diseases.

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Where to find the List

- <http://www.dshs.state.tx.us/idcu/default.shtm>
- “Infectious Diseases” Listed to the left
- A-C
- D-G
- H-L
- M-Q
- R-S
- T-Z

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