

D R A F T

SUMMARY

Changes title of “district medical examiner” to “county medical examiner.” Changes title of “medical-legal death investigator” to “medicolegal death investigator.”

Eliminates partial reimbursement by state of certain county autopsy expenditures.

Modifies types of deaths medical investigator must investigate.

Removes authority of district attorney to order blood or urine samples for analysis in death investigation. Authorizes medical examiner to take vitreous fluid sample for analysis in death investigation.

Authorizes vitreous fluid sample to be taken when death results from motor vehicle accident.

Limits duty of Chief Medical Examiner to perform autopsies to circumstances when office has sufficient capacity.

A BILL FOR AN ACT

Relating to death investigations; amending ORS 146.003, 146.025, 146.035, 146.045, 146.055, 146.065, 146.075, 146.080, 146.085, 146.088, 146.090, 146.095, 146.100, 146.103, 146.107, 146.109, 146.113, 146.117, 146.125, 146.135, 181A.080 and 433.449.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 146.003 is amended to read:

146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires otherwise:

(1) “Approved laboratory” means a laboratory approved by the Chief Medical Examiner as competent to perform the blood sample analysis required by ORS 146.113 (2).

(2) “Assistant [*district*] **county** medical examiner” means a physician ap-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 pointed by the [*district*] **county** medical examiner to investigate and certify
2 deaths within a county or district.

3 (3) “Cause of death” means the primary or basic disease process or injury
4 ending life.

5 (4) “**County medical examiner**” means a physician appointed by the
6 **Chief Medical Examiner to investigate and certify deaths within a**
7 **county or district, including a Deputy State Medical Examiner.**

8 [(4)] (5) “Death requiring investigation” means the death of a person oc-
9 ccurring in any one of the circumstances set forth in ORS 146.090.

10 [(5)] “*District medical examiner*” means a physician appointed by the Chief
11 *Medical Examiner to investigate and certify deaths within a county or district,*
12 *including a Deputy State Medical Examiner.*]

13 (6) “Law enforcement agency” means a county sheriff’s office, municipal
14 police department, police department established by a university under ORS
15 352.121 or 353.125 and the Oregon State Police.

16 [(7)] “*Legal intervention*” includes an execution pursuant to ORS 137.463,
17 137.467 and 137.473 and other legal use of force resulting in death.]

18 [(8)] (7) “Manner of death” means the designation of the probable mode
19 of production of the cause of death, including natural, accidental, suicidal,
20 homicidal[, *legal intervention*] or undetermined.

21 [(9)] (8) “Medical examiner” means a physician appointed as provided by
22 ORS 146.003 to 146.189 to investigate and certify the cause and manner of
23 deaths requiring investigation, including the Chief Medical Examiner.

24 [(10)] (9) “[*Medical-legal*] **Medicolegal** death investigator” means a person
25 appointed by the [*district*] **county** medical examiner to assist in the investi-
26 gation of deaths within a county.

27 [(11)] (10) “Pathologist” means a physician holding a current license to
28 practice medicine and surgery and who is eligible for certification by the
29 American Board of Pathology.

30 [(12)] (11) “Unidentified human remains” does not include human remains
31 that are unidentified human remains that are part of an archaeological site

1 or suspected of being Native American and covered under ORS chapters 97
2 and 390 and ORS 358.905 to 358.961.

3 **SECTION 2.** ORS 146.025 is amended to read:

4 146.025. In addition to the duties set forth in ORS 146.015 the State
5 Medical Examiner Advisory Board shall:

6 (1) Recommend to the Oregon Department of Administrative Services the
7 qualifications and compensation for the positions of Chief Medical Examiner
8 and Deputy State Medical Examiner.

9 (2) Recommend to the county courts the compensation of the [*district*]
10 **county** medical examiners and assistant [*district*] **county** medical examiners.

11 (3) Recommend to [*district*] **county** medical examiners and district attor-
12 neys the qualifications for [*medical-legal*] **medicolegal** death investigators.

13 (4) Approve or disapprove of a single district [*medical examiner's*] office
14 for **the county medical examiner of** two or more counties as provided by
15 ORS 146.065 (5).

16 (5) Recommend a proposed budget for the Office of the Chief Medical
17 Examiner to the Department of State Police.

18 (6) Annually review the Chief Medical Examiner's report prescribed by
19 ORS 146.055 and report to the Superintendent of State Police and to the
20 State Board of Health regarding the operation of the Office of the Chief
21 Medical Examiner.

22 **SECTION 3.** ORS 146.035 is amended to read:

23 146.035. (1) There is established within the Department of State Police the
24 Office of the Chief Medical Examiner for the purpose of directing and sup-
25 porting the state death investigation program.

26 (2) The Chief Medical Examiner shall manage all aspects of the Office
27 of the Chief Medical Examiner's program.

28 (3) Subject to the State Personnel Relations Law, the Chief Medical Ex-
29 aminer may employ or discharge other personnel of the Office of the Chief
30 Medical Examiner.

31 (4) The Office of the Chief Medical Examiner shall:

1 (a) File and maintain appropriate reports on all deaths requiring investi-
2 gation **that are submitted to the office by a county or district office**
3 **of the county medical examiner.**

4 (b) Maintain an accurate list of all active [*district*] **county** medical ex-
5 aminers, assistant [*district*] **county** medical examiners and designated
6 pathologists.

7 (c) Transmit monthly to the Department of Transportation a report for
8 the preceding calendar month of all information obtained under ORS 146.113.

9 (5) Notwithstanding ORS 192.345 (36):

10 (a) Any parent, spouse, sibling, child or personal representative of the
11 deceased, or any person who may be criminally or civilly liable for the death,
12 or their authorized representatives respectively, may examine and obtain
13 copies of any medical examiner's report, autopsy report or laboratory test
14 report ordered by a medical examiner under ORS 146.117.

15 (b) The system described in ORS 192.517 (1) shall have access to reports
16 described in this subsection as provided in ORS 192.517.

17 **SECTION 4.** ORS 146.045 is amended to read:

18 146.045. (1) After consultation with the State Medical Examiner Advisory
19 Board, the Chief Medical Examiner shall appoint each Deputy State Medical
20 Examiner.

21 (2) The Chief Medical Examiner shall:

22 (a) Appoint and discharge each [*district*] **county** medical examiner as
23 provided by ORS 146.065 (2).

24 (b) Designate those pathologists authorized to perform autopsies under
25 ORS 146.117 (2).

26 (c) Approve those laboratories authorized to perform the analyses re-
27 quired under ORS 146.113 (2).

28 (3) The Chief Medical Examiner may:

29 (a) Assume control of a death investigation in cooperation with the dis-
30 trict attorney.

31 (b) Order an autopsy in a death requiring investigation.

1 (c) Certify the cause and manner of a death requiring investigation.

2 (d) Amend a previously completed report on a death requiring investi-
3 gation.

4 (e) Order a body exhumed in a death requiring investigation.

5 (f) Designate a Deputy State Medical Examiner as Acting Chief Medical
6 Examiner.

7 (g) After a reasonable and thorough investigation, complete and file a
8 report of death for a person whose body is not found.

9 *[(4) Distribution of moneys from the Chief Medical Examiner's budget for*
10 *partial reimbursement of each county's autopsy expenditures shall be made*
11 *subject to approval of the Chief Medical Examiner.]*

12 *[(5)]* **(4)** Within 45 days of receipt of information that a person is missing
13 at sea and presumed dead, the Chief Medical Examiner shall determine
14 whether the information is credible and, if so, complete and file a report of
15 death for the person presumed dead. If the information is determined not to
16 be credible, the Chief Medical Examiner may continue the death investi-
17 gation.

18 *[(6)(a)]* **(5)(a)** If the Search and Rescue Coordinator and a county sheriff
19 investigate a person missing in the wilderness or a forested environment and
20 determine that the person is believed to be deceased, the sheriff shall send
21 documentation of the investigation and determination to the Chief Medical
22 Examiner.

23 (b) Within seven days after receiving documentation under paragraph (a)
24 of this subsection, the Chief Medical Examiner shall evaluate the credibility
25 of the investigation and the determination that the person is believed to be
26 deceased.

27 (c) If the Chief Medical Examiner, based on the evaluation under para-
28 graph (b) of this subsection and the Chief Medical Examiner's field of ex-
29 pertise, determines that there is no reasonable suspicion that the person is
30 not deceased, the Chief Medical Examiner shall complete and file a report
31 of death for the person believed to be deceased within 45 days after making

1 the determination.

2 (d)(A) If the Chief Medical Examiner, based on the evaluation under
3 paragraph (b) of this subsection and the Chief Medical Examiner's field of
4 expertise, determines that there is a reasonable suspicion that the person is
5 not deceased, the Chief Medical Examiner shall report to the sheriff with the
6 basis for the determination and a list of any missing information that would
7 aid the Chief Medical Examiner in evaluating the credibility of the investi-
8 gation and the determination that the person is believed to be deceased.

9 (B) Upon receiving a report under subparagraph (A) of this paragraph, the
10 sheriff shall make a reasonable effort to provide the missing information
11 listed by the Chief Medical Examiner.

12 (C) After issuing a report under this paragraph, the Chief Medical Ex-
13 aminer shall continue the death investigation in conjunction with the sheriff
14 and the Search and Rescue Coordinator until the sheriff issues a final report
15 on the missing person. If, at any time, the Chief Medical Examiner deter-
16 mines, based on the Chief Medical Examiner's field of expertise, that there
17 is no reasonable suspicion that the person is not deceased, the Chief Medical
18 Examiner shall complete and file a report of death for the person believed
19 to be deceased within 45 days after making the determination.

20 **SECTION 5.** ORS 146.055 is amended to read:

21 146.055. (1) The Chief Medical Examiner shall assist and advise [*district*]
22 **county** medical examiners in the performance of their duties.

23 (2) The Chief Medical Examiner shall perform autopsies, if in the judg-
24 ment of the Chief Medical Examiner **the Office of the Chief Medical Ex-**
25 **aminer has sufficient capacity to perform the autopsy and** such autopsy
26 is necessary in any death requiring investigation, when requested by a
27 **county** medical examiner or district attorney.

28 (3) The Chief Medical Examiner shall regularly conduct training pro-
29 grams for the [*district*] **offices of the county** medical examiners and law
30 enforcement agencies.

31 (4) The Chief Medical Examiner shall submit an annual report to the

1 State Medical Examiner Advisory Board detailing the activities and accom-
2 plishments of the state and each county office in the preceding year as well
3 as a cost analysis of the Office of the Chief Medical Examiner.

4 **SECTION 6.** ORS 146.065 is amended to read:

5 146.065. (1) In each county **or district** there shall be a **county** medical
6 examiner for the purpose of investigating and certifying the cause and man-
7 ner of deaths requiring investigation.

8 (2) Each [*district*] **county** medical examiner shall be appointed by the
9 Chief Medical Examiner with approval of the appropriate board or boards
10 of commissioners and may be discharged by the Chief Medical Examiner
11 without such approval.

12 (3) If the position of [*district*] **county** medical examiner is vacant, the
13 local health officer shall temporarily act as medical examiner in cooperation
14 with the Chief Medical Examiner until the vacancy is filled.

15 (4) If the positions of [*district*] **county** medical examiner and local health
16 officer are both vacant, the district attorney shall temporarily act as medical
17 examiner in cooperation with the Chief Medical Examiner until the vacancy
18 is filled.

19 (5) Two or more counties, with the approval of the State Medical Exam-
20 iner Advisory Board and commissioners of each county, may form a district
21 [*medical examiner's*] office **for the county medical examiner** instead of an
22 **individual** office for each [*such*] county.

23 (6) When a county or district has a population of 200,000 or more persons,
24 the Chief Medical Examiner may, with the approval of the State Medical
25 Examiner Advisory Board, appoint a Deputy State Medical Examiner for that
26 county or district.

27 (7) The compensation of the Deputy State Medical Examiner shall be paid
28 by the state from funds available for such purpose.

29 (8) The services of the Deputy State Medical Examiner may be contracted
30 by the Department of State Police. These contracts may be terminated by
31 either party at any time by written notice to the other party to the agree-

1 ment and, upon termination, the appointment of such Deputy State Medical
2 Examiner is terminated.

3 **SECTION 7.** ORS 146.075 is amended to read:

4 146.075. (1) The [*district*] **county** medical examiner shall serve as the ad-
5 ministrator of the **county or** district [*medical examiner's*] office **of the**
6 **county medical examiner**. Subject to applicable provisions of a county
7 personnel policy or civil service law, the [*district*] **county** medical examiner
8 may employ such other personnel as the [*district*] **county** medical examiner
9 deems necessary to operate the office.

10 (2) All expenses of equipping, maintaining and operating the **county or**
11 district [*medical examiner's*] office **of the county medical examiner**, in-
12 cluding the compensation of the [*district*] **county** medical examiner and as-
13 sistant [*district*] **county** medical examiners, shall be paid by the county or
14 counties of the district from funds budgeted for such purpose.

15 (3) When a [*district*] **county** medical examiner also serves as local health
16 officer, the county shall separately budget the compensation and expenses to
17 be paid for medical examiner's duties.

18 (4) All expenses of death investigations shall be paid from county funds
19 budgeted for such purpose [*except that, in counties under 200,000 population*
20 *upon the approval of the Chief Medical Examiner, one-half of the costs of*
21 *autopsies ordered under ORS 146.117 shall be paid annually by the state from*
22 *funds for such purpose. If funds available for this payment are insufficient to*
23 *meet one-half of these costs, even proportional payments to the counties shall*
24 *be made*].

25 (5) Expenses of burial or other disposition of an unclaimed body shall be
26 paid by the county where the death occurs, as provided by ORS 146.100 (2),
27 in the manner provided by ORS 146.121 (4).

28 (6) Each **county or** district office shall maintain copies of the:

- 29 (a) Reports of death investigation by the medical examiner;
30 (b) Autopsy reports;
31 (c) Laboratory analysis reports; and

1 (d) Inventories of money or property of the deceased taken into custody
2 during the investigation.

3 (7) Reports and inventories maintained by the **county or** district office
4 shall be available for inspection as provided by ORS 146.035 (5).

5 (8) Copies of reports of death investigations by medical examiners and
6 autopsy reports shall be forwarded to the Office of the Chief Medical Ex-
7 aminer.

8 (9) Each **county or** district office shall maintain current records of:

9 (a) All assistant [*district*] **county** medical examiners appointed.

10 (b) Appointments of each [*medical-legal*] **medicolegal** death investigator
11 appointed for the county or district.

12 (c) The name, address and director of each licensed funeral home located
13 within the county or district.

14 (10) Each **county or** district office shall immediately in writing notify the
15 Office of the Chief Medical Examiner of all appointments and resignations
16 of their **medicolegal death investigators and all resignations of their**
17 medical examiners.

18 **SECTION 8.** ORS 146.080 is amended to read:

19 146.080. (1) Each [*district*] **county** medical examiner may appoint one or
20 more assistant [*district*] **county** medical examiners.

21 (2) The qualifications of an assistant [*district*] **county** medical examiner
22 shall be prescribed by the State Medical Examiner Advisory Board.

23 (3) When delegated by the [*district*] **county** medical examiner, an assist-
24 ant [*district*] **county** medical examiner shall:

25 (a) Assist the [*district*] **county** medical examiner in investigating and
26 certifying deaths.

27 (b) Have the authority and responsibility to investigate and certify deaths
28 requiring investigation.

29 **SECTION 9.** ORS 146.085 is amended to read:

30 146.085. (1) The [*district*] **county** medical examiner shall appoint, subject
31 to the approval of the district attorney and applicable civil service regu-

1 lations, qualified [*medical-legal*] **medicolegal** death investigators, including
2 the sheriff or a deputy sheriff and a member of the Oregon State Police for
3 each county. Other peace officers may also be appointed as [*medical-legal*]
4 **medicolegal** death investigators.

5 (2) The [*district*] **county** medical examiner and the district attorney shall
6 establish qualifications for [*medical-legal*] **medicolegal** death investigators.

7 (3) Each [*medical-legal*] **medicolegal** death investigator shall be individ-
8 ually appointed and the name of the [*medical-legal*] **medicolegal** death in-
9 vestigator shall be on file in the office of the [*district*] **county** medical
10 examiner.

11 (4) A [*medical-legal*] **medicolegal** death investigator shall investigate
12 deaths subject to the control and direction of the [*district*] **county** medical
13 examiner or the district attorney.

14 (5) A [*medical-legal*] **medicolegal** death investigator may authorize the
15 removal of the body of a deceased person from the apparent place of death.

16 (6) The [*medical-legal*] **medicolegal** death investigator may not authorize
17 embalming, order a post-mortem examination or autopsy, or certify the cause
18 and manner of death.

19 **SECTION 10.** ORS 146.088 is amended to read:

20 146.088. A [*district*] **county** medical examiner, [*medical-legal*] **medicolegal**
21 death investigator, assistant [*district*] **county** medical examiner or desig-
22 nated pathologist is deemed to be an officer or employee of a public body for
23 purposes of ORS 30.260 to 30.300 while acting as a [*district*] **county** medical
24 examiner, [*medical-legal*] **medicolegal** death investigator, assistant [*district*]
25 **county** medical examiner or designated pathologist.

26 **SECTION 11.** ORS 146.090 is amended to read:

27 146.090. (1) The medical examiner shall investigate and certify the cause
28 and manner of all human deaths:

29 (a) Apparently homicidal, suicidal or occurring under suspicious or un-
30 known circumstances;

31 (b) Resulting from the unlawful use of controlled substances or the use

1 or abuse of chemicals or toxic agents;

2 (c) Occurring while incarcerated in any jail, correction facility or in po-
3 lice custody;

4 (d) Apparently accidental or following an injury;

5 (e) By disease, injury or toxic agent during or arising from employment;

6 (f) While not under the care of a physician [*during the period immediately*
7 *previous to death*] **within one year prior to the date of death**;

8 (g) Related to disease which might constitute a threat to the public
9 health; or

10 (h) In which a human body apparently has been disposed of in an offen-
11 sive manner.

12 (2) As used in this section, “offensive manner” means a manner offensive
13 to the generally accepted standards of the community.

14 **SECTION 12.** ORS 146.095 is amended to read:

15 146.095. (1) The [*district*] **county** medical examiner and the district at-
16 torney for the county where death occurs, as provided by ORS 146.100 (2),
17 shall be responsible for the investigation of all deaths requiring investi-
18 gation.

19 (2) The medical examiner shall certify the manner and the cause of all
20 deaths which the medical examiner is required to investigate. The report of
21 death shall be submitted to a county registrar as required by ORS 432.133.

22 (3) The medical examiner shall make a report of death investigation to
23 the Chief Medical Examiner as soon as possible after being notified of a
24 death requiring investigation.

25 (4) Within five days after notification of a death requiring investigation,
26 the medical examiner **or medicolegal death investigator** shall make a
27 written report of the investigation and file it in the **county or** district
28 [*medical examiner’s*] office **of the county medical examiner**.

29 (5) The [*district*] **county** medical examiner shall supervise the assistant
30 [*district*] **county** medical examiners and [*medical-legal*] **medicolegal** death
31 investigators in cooperation with the district attorney.

1 (6) The [*district*] **county** medical examiner shall regularly conduct ad-
2 ministrative training programs for the assistant [*district*] **county** medical
3 examiners, [*medical-legal*] **medicolegal** death investigators and law enforce-
4 ment agencies.

5 **SECTION 13.** ORS 146.100 is amended to read:

6 146.100. (1) Death investigations shall be under the direction of the [*dis-*
7 *trict*] **county** medical examiner and the district attorney for the county
8 where the death occurs.

9 (2) For purposes of ORS 146.003 to 146.189, if the county where death oc-
10 curs is unknown, the death shall be deemed to have occurred in the county
11 where the body is found, except that if in an emergency the body is moved
12 by conveyance to another county and is dead on arrival, the death shall be
13 deemed to have occurred in the county from which the body was originally
14 removed.

15 (3) The [*district*] **county** medical examiner or an assistant [*district*]
16 **county** medical examiner for the county where death occurs shall be imme-
17 diately notified of:

18 (a) All deaths requiring investigation; and

19 (b) All deaths of persons admitted to a hospital or institution for less than
20 24 hours, although the medical examiner need not investigate nor certify
21 such deaths.

22 (4) No person having knowledge of a death requiring investigation shall
23 intentionally or knowingly fail to make notification thereof as required by
24 subsection (3) of this section.

25 (5) The [*district*] **county** medical examiner or [*medical-legal*] **medicolegal**
26 death investigator shall immediately notify the district attorney for the
27 county where death occurs of all deaths requiring investigation except for
28 those specified by ORS 146.090 (1)(d) to (g).

29 (6) All peace officers, health care providers as defined in ORS 192.556,
30 supervisors of penal institutions, supervisors of youth correction facilities,
31 juvenile community supervision officers as defined in ORS 420.905, and

1 supervisors of hospitals or institutions caring for the ill or helpless shall
2 cooperate with the medical examiner or [*medical-legal*] **medicolegal** death
3 investigator by providing a decedent's medical records and tissue samples
4 and any other material necessary to conduct the death investigation of the
5 decedent and shall make notification of deaths as required by subsection (3)
6 of this section. A person who cooperates with the medical examiner or
7 [*medical-legal*] **medicolegal** death investigator in accordance with this sub-
8 section does not:

9 (a) Waive any claim of privilege applicable to, or the confidentiality of,
10 the materials and records provided.

11 (b) Waive any claim that the materials and records are subject to an ex-
12 emption from disclosure under ORS 192.311 to 192.478.

13 (c) Violate the restrictions on disclosing or providing copies of reports
14 and other materials in ORS 419A.257.

15 (7) Records or materials described in subsection (6) of this section may
16 be released by the medical examiner or [*medical-legal*] **medicolegal** death
17 investigator only pursuant to a valid court order.

18 (8)(a) If a death is suspected to be suicide and the decedent was 24 years
19 of age or younger, the [*district*] **county** medical examiner or [*medical-legal*]
20 **medicolegal** death investigator shall notify the local mental health author-
21 ity in the county where the death occurred and, if the decedent was a mem-
22 ber of a federally recognized Oregon tribe, shall also notify the tribe's mental
23 health authority.

24 (b) For the purposes of this subsection, the manner of death is suspected
25 to be suicide if the [*district*] **county** medical examiner, the assistant
26 [*district*] **county** medical examiner, a pathologist authorized under ORS
27 146.045 (2)(b) or a designee of the [*district*] **county** medical examiner, in-
28 cluding a [*medical-legal*] **medicolegal** death investigator, confirms orally or
29 in writing that the [*district*] **county** medical examiner, assistant [*district*]
30 **county** medical examiner, pathologist or designee of the [*district*] **county**
31 medical examiner reasonably believes that the manner of death was suicide.

1 (c) The notification under this subsection must include the decedent's
2 name, date of birth, date of death, suspected manner of death and cause of
3 death.

4 (d) The notification under this subsection may include any other infor-
5 mation that the [*district*] **county** medical examiner or [*medical-legal*]
6 **medicolegal** death investigator determines is necessary to preserve the
7 public health and that is not otherwise protected from public disclosure by
8 state or federal law, including information regarding the decedent's school
9 attended and extracurricular activities.

10 (e) The [*district*] **county** medical examiner or [*medical-legal*] **medicolegal**
11 death investigator must provide the notification under this subsection no
12 later than:

13 (A) 48 hours after receiving notification of the death if the county where
14 the death occurred has a population of 400,000 or more; or

15 (B) 72 hours after receiving notification of the death if the county where
16 the death occurred has a population of fewer than 400,000.

17 (f) As used in this subsection, "local mental health authority" has the
18 meaning given that term in ORS 430.630.

19 **SECTION 14.** ORS 146.103 is amended to read:

20 146.103. (1) In a death requiring an investigation, no person shall move
21 a human body or body suspected of being human, or remove any of the effects
22 of the deceased or instruments or weapons related to the death without the
23 permission of a medical examiner, [*medical-legal*] **a medicolegal** death in-
24 vestigator or the district attorney.

25 (2) No person shall move or remove any of the items specified in sub-
26 section (1) of this section if the medical examiner or district attorney objects.

27 (3) A medical examiner, district attorney or [*medical-legal*] **medicolegal**
28 death investigator shall take custody of or exercise control over the body,
29 the effects of the deceased and any weapons, instruments, vehicles, buildings
30 or premises which the medical examiner, district attorney or [*medical-legal*]
31 **medicolegal** death investigator has reason to believe were involved in the

1 death, in order to preserve evidence relating to the cause and manner of
2 death.

3 (4) In a death requiring investigation, no person shall undress, embalm,
4 cleanse the surface of the body or otherwise alter the appearance or the state
5 of the body without the permission of the medical examiner or the district
6 attorney.

7 **SECTION 15.** ORS 146.107 is amended to read:

8 146.107. (1) A medical examiner, [*medical-legal*] **medicolegal** death inves-
9 tigator or district attorney may enter any room, dwelling, building or other
10 place in which the medical examiner, [*medical-legal*] **medicolegal** death in-
11 vestigator or district attorney has reasonable cause to believe that a body
12 or evidence of the circumstances of death requiring investigation may be
13 found.

14 (2) If refused entry, the medical examiner, [*medical-legal*] **medicolegal**
15 death investigator or district attorney may apply to any judge authorized to
16 issue search warrants for an order to enter such premises, search for and
17 seize a body or any evidence of the cause or manner of death.

18 (3) Upon application supported by an affidavit setting forth facts and
19 circumstances tending to show that a body or such evidence of death is in
20 the place to be searched, the judge shall issue such order to enter and search
21 and seize.

22 (4) To preserve evidence, a medical examiner, [*medical-legal*] **medicolegal**
23 death investigator or district attorney may:

24 (a) Place under the custody or control of the medical examiner,
25 [*medical-legal*] **medicolegal** death investigator or district attorney, or en-
26 close or lock any room, dwelling, building or other enclosure for a period
27 of not more than five days.

28 (b) Rope off or otherwise restrict entry to any open area.

29 (c) Forbid the entrance of any unauthorized person into the area specified
30 under paragraphs (a) and (b) of this subsection.

31 (5) No person shall enter upon the enclosures or areas specified in sub-

1 section (4) of this section without the permission of the medical examiner,
2 [*medical-legal*] **medicolegal** death investigator or district attorney.

3 **SECTION 16.** ORS 146.109 is amended to read:

4 146.109. (1) Upon identifying the body, the medical examiner shall imme-
5 diately attempt to locate the next of kin or responsible friends to obtain the
6 designation of a funeral home to which the deceased is to be taken.

7 (2) If unable to promptly obtain a designation of funeral home from the
8 next of kin or responsible friends, the medical examiner or [*medical-legal*]
9 **medicolegal** death investigator shall designate the funeral home. In desig-
10 nating the funeral home, the medical examiner or [*medical-legal*]
11 **medicolegal** death investigator shall be fair and equitable among the funeral
12 homes listed in the office of the [*district*] **county** medical examiner.

13 **SECTION 17.** ORS 146.113 is amended to read:

14 146.113. (1) A medical examiner [*or district attorney*] may, in any death
15 requiring investigation, order samples of blood, [*or*] urine **or vitreous fluid**
16 taken for laboratory analysis.

17 (2) When a death requiring an investigation as a result of a motor vehicle
18 accident occurs within five hours after the accident and the deceased is over
19 13 years of age, a blood **or vitreous fluid** sample shall be taken and for-
20 warding to an approved laboratory for analysis. Such blood or [*urine*]
21 **vitreous fluid** samples shall be analyzed for the presence and quantity of
22 ethyl alcohol, and if considered necessary by the Chief Medical Examiner,
23 the presence of cannabis or controlled substances.

24 (3) Laboratory reports of the analysis shall be made a part of the Chief
25 Medical Examiner's and [*district*] **county** medical examiner's files.

26 **SECTION 18.** ORS 146.117 is amended to read:

27 146.117. (1) A medical examiner or district attorney may order an autopsy
28 performed in any death requiring investigation **and, following such order,**
29 **the medical examiner shall perform the autopsy provided that the**
30 **Chief Medical Examiner determines the Office of the Chief Medical**
31 **Examiner has sufficient capacity to perform the autopsy.** This authori-

1 zation for an autopsy shall permit the pathologist to remove and retain body
2 tissues or organs from the deceased for the purpose of the legal or medical
3 determination of the manner or cause of death, or other purposes approved
4 under policies established by the State Medical Examiner Advisory Board.

5 (2) If an autopsy is ordered, the medical examiner shall obtain the ser-
6 vices of a pathologist authorized under ORS 146.045 (2)(b).

7 (3) A pathologist may not receive compensation for performing the
8 autopsy if, as medical examiner, the pathologist ordered the autopsy.

9 **SECTION 19.** ORS 146.125 is amended to read:

10 146.125. (1) The medical examiner, [*medical-legal*] **medicolegal** death in-
11 vestigator, district attorney or sheriff may temporarily retain possession of
12 any property found on the body or in the possession of the deceased that in
13 the opinion of the medical examiner, [*medical-legal*] **medicolegal** death in-
14 vestigator, district attorney or sheriff may be useful in establishing the cause
15 or manner of death or may be used in further proceedings.

16 (2) When a medical examiner, [*medical-legal*] **medicolegal** death investi-
17 gator, district attorney or sheriff assumes control or custody of money or
18 personal property found on the body or in the possession of the deceased, the
19 medical examiner, [*medical-legal*] **medicolegal** death investigator, district
20 attorney or sheriff shall:

21 (a) Make a verified inventory of such money or property.

22 (b) File the inventory in the **county or** district [*medical examiner's*] office
23 **of the county medical examiner.**

24 (c) Deposit the money with the county treasurer to the credit of the
25 county general fund.

26 (3) If personal property is not retained by the medical examiner,
27 [*medical-legal*] **medicolegal** death investigator, district attorney or sheriff,
28 and is not claimed within 30 days, the inventory shall be filed with the board
29 of county commissioners to be disposed of as follows:

30 (a) If the property has value, the board may order it sold and after de-
31 ducting the cost of sale, shall deposit the proceeds of the sale with the

1 county treasurer to the credit of the county general fund.

2 (b) If the property has no value in the judgment of the board, the board
3 may order the sheriff to destroy such property.

4 (4) Any expenses incurred by the county in transporting or disposing of
5 the body may be deducted from the money or proceeds of the sale of personal
6 property before it is delivered to a claimant.

7 (5) If it appears that the person whose death required investigation died
8 wholly intestate and without heirs, the county whose official has control or
9 custody of the property shall notify an estate administrator of the State
10 Treasurer appointed under ORS 113.235 within 15 days after the death.

11 (6) If a legally qualified personal representative, spouse, next of kin or
12 estate administrator of the State Treasurer:

13 (a) Claims the money of the deceased, the county treasurer shall, subject
14 to the provisions of subsection (4) of this section, deliver such money to the
15 claimant.

16 (b) Within 30 days, claims the personal property of the deceased, the
17 property shall be delivered to such claimant subject to the provisions of
18 subsections (1) and (5) of this section.

19 (7) If money of the deceased is not claimed within seven years, the money
20 is presumed abandoned as provided by ORS 98.302 to 98.436 and 98.992 and
21 the board of county commissioners shall order the county treasurer to deliver
22 and report the money to the State Treasurer as required by ORS 98.352.

23 **SECTION 20.** ORS 146.135 is amended to read:

24 146.135. (1) The district attorney for the county where the death occurs
25 may order an inquest to obtain a jury finding of the cause and manner of
26 death in any case requiring investigation.

27 (2) For the purpose of conducting an inquest, the district attorney shall
28 have the powers of a judicial officer as described by ORS 1.240 and 1.250.

29 (3) The district attorney shall advise the jury of inquest as to its duties
30 and instruct the jury on questions of law.

31 (4) The district attorney shall cause a record of the inquest proceedings

1 to be made which shall include the written order of inquest, a record of the
2 testimony of witnesses and the written verdict of the jury.

3 (5) Within a reasonable time after the verdict is returned, the record of
4 inquest shall be filed in the **county or** district [*medical examiner's*] office
5 **of the county medical examiner** for the county where the inquest was
6 held.

7 (6) A copy of the order of inquest and verdict of the jury shall be filed
8 in the Office of the Chief Medical Examiner.

9 (7) The record of inquest shall be available for inspection as provided by
10 ORS 146.035 (5).

11 **SECTION 21.** ORS 181A.080 is amended to read:

12 181A.080. (1) The Department of State Police and the members of the
13 Oregon State Police are charged with the enforcement of:

14 (a) All criminal laws; and

15 (b) All laws applicable to highways and the operation of vehicles on
16 highways.

17 (2) Each member of the state police is authorized and empowered to:

18 (a) Prevent crime.

19 (b) Pursue and apprehend offenders and obtain legal evidence necessary
20 to ensure the conviction of the offenders in the courts.

21 (c) Institute criminal proceedings.

22 (d) Execute any lawful warrant or order of arrest issued against any
23 person or persons for any violation of the law.

24 (e) Make arrests without warrant for violations of law in the manner
25 provided in ORS 133.310.

26 (f) Give first aid to the injured.

27 (3) Each member of the state police has the same general powers and
28 authority as those conferred by law upon sheriffs, police officers, constables
29 and peace officers. A member of the state police may be appointed as a
30 [*medical-legal*] **medicolegal** death investigator.

31 (4) The members of the state police are subject to the call of the Governor

1 and are empowered to cooperate with any other instrumentality or authority
2 of this state, or any political subdivision, in detecting crime, apprehending
3 criminals and preserving law and order throughout this state, but the state
4 police may not be used as a posse except when ordered by the Governor.

5 **SECTION 22.** ORS 433.449 is amended to read:

6 433.449. (1) As used in this section:

7 (a) "Contaminated material" means wastes or other materials exposed to
8 or tainted by chemical, radiological, or biological substances or agents.

9 (b) "Transmissible agent" means a biological substance capable of causing
10 disease or infection through individual to individual transmission, animal to
11 individual transmission, or other modes of transmission.

12 (2) Notwithstanding any provision in ORS chapter 97 or 692, during a
13 state of public health emergency, the Public Health Director may:

14 (a) Prescribe measures to provide for the safe disposal of human remains
15 as may be reasonable and necessary to respond to the public health emer-
16 gency. Measures adopted under this subsection may include the embalming,
17 burial, cremation, interment, disinterment, transportation and disposal of
18 human remains.

19 (b) Require any person in charge of disposing of human remains to clearly
20 label the human remains of a deceased person with a communicable disease
21 or transmissible agent with an external, clearly visible tag indicating that
22 the human remains are infected or contaminated and, if known, the
23 communicable disease or transmissible agent or contaminated materials
24 present in the remains.

25 (c) After a medical examiner has certified the cause and manner of death,
26 order a person in charge of disposing of human remains to dispose of the
27 human remains of a person who has died of a communicable disease or
28 transmissible agent through burial or cremation within a specified time pe-
29 riod. To the extent practicable, religious, cultural, family and individual be-
30 liefs of the deceased person or the person's family shall be considered when
31 disposing of any human remains.

1 (3) The Public Health Director must consult and coordinate with the
2 Chief Medical Examiner when exercising authority under this section.
3 Nothing in this section is intended to override authority granted to the Chief
4 Medical Examiner or [*district*] **county** medical examiner under ORS 146.003
5 to 146.189 and 146.710 to 146.992.

6
