

A-Engrossed Senate Bill 1550

Ordered by the Senate February 19
Including Senate Amendments dated February 19

Sponsored by Senator GELSER BLOUIN, Representative NOSSE, Senators MEEK, MANNING JR, PROZANSKI;
Senators BROADMAN, WEBER, Representatives DOBSON, MCDONALD, WALTERS (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes laws related to what government must do after a person dies in some situations. (Flesch Readability Score: 60.1).

Directs *[law enforcement]* **specified investigators of deaths of decedents**, prior to making any findings as to the cause or manner of death where the decedent is suspected to have died from suicide, *[overdose or]* **accident or other undetermined cause**, to **review documented evidence of abuse and** interview family members of the decedent if the decedent has a history as a victim of domestic violence or child abuse and certain conditions exist.

[Requires law enforcement to submit a written request to the district medical examiner for the performance of an autopsy if a reasonable basis exists that the death of the decedent may be the result of domestic violence or child abuse.]

[Directs a medical examiner or district attorney to order the performance of an autopsy in certain circumstances.]

Directs the law enforcement officer or district medical examiner to request further post-mortem examination of the decedent if a reasonable basis exists to suspect the death is a homicide due to domestic violence or child abuse. Directs the Chief Medical Examiner to engage in collaborative consultation regarding appropriate actions to take. Prohibits the release of the body of the decedent until the consultation has occurred and recommended actions have been completed. Authorizes appropriate post-mortem assessments.

Provides that certain individuals may examine and obtain copies of evidence generated during an autopsy or investigation of death.

Requires law enforcement to provide notice of rights to certain members of the decedent's family upon opening an investigation of a death that is suspected to have been caused by suicide, *[overdose or accident]* **or occurred under suspicious circumstances.**

A BILL FOR AN ACT

Relating to scrutinizing death; creating new provisions; and amending ORS 146.003, 146.035 and 146.117.

Whereas in some suspicious death cases the decedent has a history as a victim of domestic violence or child abuse and the manner of death is prematurely determined to be suicide or accident without a comprehensive investigation into the circumstances of death; and

Whereas homicides related to domestic violence or child abuse are susceptible to staging or alteration of the death scene before investigators can conduct a scene investigation; and

Whereas staged or altered death scenes compromise the ability of investigators to evaluate the manner of death and may impede the responsibility of the medical examiner to perform an autopsy; and

Whereas research has identified 10 red flags in suspicious death cases involving a decedent with a history as a victim of domestic violence that can improve the ability of investigators to ensure complete investigations and accurate determinations of the manner of death; and

Whereas federal law provides family members of homicide victims the right to obtain informa-

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.

tion, access victim services and request an independent review of initial findings or the investigation of the death of a family member in case under federal jurisdiction; and

Whereas it is the intent of the Legislative Assembly to provide victim services and support to family members in suspicious death cases and to support family members who seek a second opinion on the death of their loved one whenever practicable at no cost to any public agency; now, therefore,

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

DEFINITIONS

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 medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 appointed by the district medical examiner to investigate and certify deaths within a county or district.

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

(4) “Death requiring investigation” means the death of a person occurring in any one of the circumstances set forth in ORS 146.090.

(5) “District medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 appointed by the Chief Medical Examiner to investigate and certify deaths within a county or district, including a Deputy State Medical Examiner.

(6) “Family or household member” has the meaning given that term in ORS 135.230.

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

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

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

[(9)] (10) “Medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 appointed as provided by ORS 146.003 to 146.189 to investigate and certify the cause and manner of deaths requiring investigation, including the Chief Medical Examiner.

[(10)] (11) “Medical-legal death investigator” means a person appointed by the district medical examiner to assist in the investigation of deaths within a county.

[(11)] (12) “Pathologist” means a physician licensed under ORS chapter 677 who is eligible for certification by the American Board of Pathology, or its successor organization, as approved by the State Medical Examiner Advisory Board.

[(12)] (13) “Unidentified human remains” does not include human remains that are unidentified human remains that are part of an archaeological site or suspected of being Native American and

covered under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

**LAW ENFORCEMENT INVESTIGATION OF SUSPICIOUS DEATHS;
MANDATORY FAMILY INTERVIEWS AND AUTOPSY REQUESTS**

SECTION 2. Section 3 of this 2026 Act is added to and made a part of ORS 146.003 to 146.189.

SECTION 3. (1) As used in this section, “investigator” means a medical-legal death investigator, assistant district medical examiner, district medical examiner or officer employed by a law enforcement agency.

(2) An investigator who is investigating the death of a decedent shall follow the procedures set forth in subsections (3) and (4) of this section if the decedent:

(a) Is suspected to have died from suicide, accident or other undetermined cause; and

(b)(A) There is information, evidence or circumstances known to or made available to the investigator that the decedent was, or was alleged to have been, a victim of:

(i) Domestic violence; or

(ii) Actual or suspected child abuse.

(B) For purposes of subparagraph (A) of this paragraph, information, evidence or circumstances known or made available to the investigator may include but need not be limited to information provided to the investigator by those familiar with the decedent or with circumstances about the decedent, writings or photographs created by the decedent or others, restraining order declarations, eyewitness statements, police reports, reports made to government agencies or other evidence.

(3) If the factors set forth in subsection (2) of this section are present, the investigator shall then determine whether three or more of the following conditions are present:

(a) The decedent died prematurely or in an untimely manner.

(b) The scene of death suggests the appearance of death by suicide, accident or other undetermined cause.

(c) The decedent was in a romantic relationship in which one of the persons in the relationship wanted the relationship to end.

(d) The decedent had a known or documented history as a victim of domestic violence, including intimidation, isolation or coercive control.

(e) The decedent was a minor child with a known or documented history as a victim of child abuse, or the subject of a report of suspected child abuse, within the past 12 months.

(f) The decedent was found dead in a home or place of residence.

(g) The decedent was found by a family or household member.

(h) The decedent had a history as a victim of strangulation, choking or suffocation.

(i) The decedent was last seen alive by a family or household member, the child of the decedent, the child of a family or household member or, if the decedent was a minor child as described in paragraph (e) of this subsection, the child’s parent, guardian or caregiver who was the perpetrator or alleged perpetrator of such abuse.

(j) A family or household member had control of the scene of death before law enforcement arrived or, if the decedent was a minor child as described in paragraph (e) of this subsection, the child’s parent, guardian or caregiver who was the perpetrator or alleged perpetrator of such abuse had control of the scene of death before law enforcement arrived.

(k) The body of the decedent was moved from the location where death occurred, or the scene of death or other evidence appears altered, modified or staged.

(4) If the factors and conditions set forth in subsections (2) and (3) of this section are present, prior to an officer employed by a law enforcement agency reporting the death as being likely a suicide or an accident to a medical-legal death investigator and prior to a medical-legal death investigator making any findings as to the cause or manner of death, the investigator shall:

(a) Review any documented evidence of historical abuse; and

(b) Interview family members of the decedent who have information relevant to the domestic violence or child abuse documented in the records or evidence described in subsection (2) of this section.

(5) If, after taking the actions described in subsections (2) to (4) of this section, an officer employed by a law enforcement agency or the district medical examiner determines that a reasonable basis exists to suspect that the death of the decedent, as described in subsection (2) of this section, may be a homicide that is the result of domestic violence or child abuse, the officer or district medical examiner shall contact the Office of the Chief Medical Examiner to request further post-mortem examination of the body of the decedent and to consult with the office regarding additional appropriate actions related to the potential homicide.

(6) The Office of the Chief Medical Examiner shall respond to the request described in subsection (5) of this section without undue delay and shall engage in a collaborative consultation regarding appropriate actions related to the potential homicide. The consultation may include a request from the Office of the Chief Medical Examiner for the officer or district medical examiner to gather and provide additional information to inform recommendations.

(7) The body of the decedent may not be released until after the consultation described in subsection (6) has occurred, any requested additional information has been provided and all recommendations of the Office of the Chief Medical Examiner have been completed.

AUTOPSIES

SECTION 4. ORS 146.117 is amended to read:

146.117. (1)(a) A medical examiner or district attorney may order an autopsy performed in any death requiring investigation. This authorization for an autopsy shall permit the pathologist to remove and retain body tissues or organs from the deceased for the purpose of the legal or medical determination of the manner or cause of death, or other purposes approved under policies established by the State Medical Examiner Advisory Board.

(b) Notwithstanding paragraph (a) of this subsection, following the consultation described in section 3 of this 2026 Act regarding a decedent who there is a reasonable basis to suspect may have died due to a homicide related to domestic violence or child abuse, the district attorney or a state medical examiner may order the performance of appropriate post-mortem assessments, including but not limited to pathology, imaging or autopsy.

(2) If an autopsy is ordered, the medical examiner shall obtain the services of a pathologist authorized under ORS 146.045 (2)(b).

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

RIGHT TO EXAMINE RECORDS

SECTION 5. ORS 146.035 is amended to read:

146.035. (1) There is established within the Department of State Police the Office of the Chief Medical Examiner for the purpose of directing and supporting the state death investigation program.

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

(3) Subject to the State Personnel Relations Law, the Chief Medical Examiner may employ or discharge other personnel of the Office of the Chief Medical Examiner.

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

(a) File and maintain appropriate reports on all deaths requiring investigation.

(b) Maintain an accurate list of all active district medical examiners, assistant district medical examiners and designated pathologists.

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

(5) Notwithstanding ORS 192.345 (36) and 192.355 (2)(b):

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

(b)(A) Except as provided in subparagraph (B) of this paragraph, if an investigating law enforcement agency has closed the criminal investigation and the medical examiner finds that the manner of death is not homicide and closes the case, any parent, spouse, sibling, child or personal representative of the deceased may examine and obtain without undue delay:

(i) Copies of any evidence or records related to the deceased's case that are in the custody of the law enforcement agency or medical examiner; and

(ii) Photographs, images, negatives, prints or video, including body camera video, of the body, or any portion of the body, of the deceased that was generated during an autopsy by a designated pathologist, or that was generated during the investigation by a district medical examiner, assistant district medical examiner, medical-legal death investigator or employee of a law enforcement agency.

(B) Subparagraph (A) of this paragraph does not:

(i) Require a law enforcement agency or medical examiner to provide evidence or records if providing such evidence or records would compromise a pending investigation.

(ii) Affect the lawful discretion provided to a law enforcement agency to carry out investigations of death.

(iii) Impose any liability on a law enforcement agency in relation to the investigation of deaths.

(iv) Require a law enforcement agency or other public body to cover the cost of an independent review of the manner and cause of death.

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

NOTICE OF RIGHTS TO DECEDENT'S FAMILY

SECTION 6. Section 7 of this 2026 Act is added to and made a part of ORS 146.003 to 146.189.

SECTION 7. (1) Upon opening an investigation into the death of a decedent who is suspected to have died from suicide or under suspicious circumstances, a law enforcement agency shall provide written notice to known members of the decedent's family of the law and procedure for:

(a) Family members to obtain evidence or records under ORS 146.035.

(b) A medical examiner or district attorney to order an autopsy under ORS 146.117.

(c) A district attorney to order an inquest under ORS 146.135.

(d) A law enforcement agency to determine whether family or household members of the decedent must be interviewed under section 3 of this 2026 Act.

(2) If a decedent who is suspected to have died from suicide, accident or other undetermined cause has previously been identified as or alleged to have been a victim of domestic violence, or has previously been identified as a victim of actual or suspected child abuse in police reports, reports made to or by government agencies, writings or photographs, restraining order declarations, eyewitness statements or other evidence, a law enforcement agency shall provide the written notice required under subsection (1) of this section to:

(a) At least one parent, sibling over the age of 18 or other family member of the decedent who was not the perpetrator or alleged perpetrator of the domestic violence or child abuse; and

(b) Any family member of the decedent, upon request, who was not the perpetrator or alleged perpetrator of the domestic violence or child abuse.

APPLICABILITY

SECTION 8. Sections 3 and 7 of this 2026 Act and the amendments to ORS 146.003, 146.035 and 146.117 by sections 1, 4 and 5 of this 2026 Act apply to deaths occurring on or after the effective date of this 2026 Act.

CAPTIONS

SECTION 9. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.