Chapter 146

1955 REPLACEMENT PART

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JURY OF INQUEST

146.010 Defined. A jury of inquest is a body of six persons, legally qualified to serve as jurors, summoned from the inhabitants of a particular district before the sheriff, coroner or other ministerial officer to inquire of particular facts.

146.020 Number of jurors required to concur. The verdict of a jury of inquest is sufficient if two-thirds of the jurors concur therein.

146.030 to 146.100 [Reserved for expansion]

PROCEEDINGS ON DISCOVERY OF DEATH OR WOUNDING OF A HUMAN BEING

146.110 Duties of coroner when informed of death or wounding of a person. When the coroner is informed or ascertains that a person has been killed or dangerously wounded by another, has suddenly died in such circumstances as to afford a reasonable ground to suspect that his death was occasioned by criminal means or has committed suicide, the coroner shall immediately report the matter to the district attorney of his county, cause the body of any such deceased person to be placed under strict guard, free from the interference of any unauthorized person, until released by order of the district attorney, and, if directed so to do by the district attorney, order an autopsy or an inquest to be made or held upon the body of such person or concerning his death, or both. For these purposes he shall secure expert services for making the autopsy or holding the inquest.

146.115 Deaths to be reported by hospitals, asylums and institutions. Every superintendent, manager, physician, nurse or other person having the supervision of any public, quasi-public, charitable or private institution, the object of which is to care for the sick, indigent, mentally ill, aged or helpless, shall report any death occurring within the institution under their jurisdiction within three hours after such death to the coroner, except the natural death of a person who has been hospitalized more than 24 hours immediately prior to his or her death in a licensed hospital, other than a hospital operated by the state or any political subdivision of the state, and where a duly licensed physician determines the cause of death and signs the death certificate. [Amended by 1955 c.190 §1]

146.120 Right to enter or close premises; custodian. (1) For the purpose of determining the cause of the death of any person as provided in ORS 146.110, the coroner or his lawfully authorized deputy, or both, may enter any room, dwelling, building or inclosure in which the body may be found or in which any of the circumstances surrounding the killing, wounding or suicide of such person may have transpired. For the purpose of preserving evidence until an inquest has been held as to the killing, wounding or suicide of any human being, a coroner may lock or close any room, house, dwelling or inclosure and may appoint for a period not to exceed five days a custodian of such premises who shall have the authority of a deputy sheriff and who shall take oath, which shall be administered by the coroner or his lawfully authorized deputy, as follows: "I do hereby solemnly swear that as to the premises over which I have been appointed custodian, and which are described as follows (define premises), I will preserve the same free from trespass and inviolate until relieved by the coroner, so help me God."

(2) No such custodian shall negligently or wilfully suffer a violation or trespass of the premises over which he is custodian.

146.130 Roping-off open area to preserve evidence. (1) For the purpose of protecting evidence, as mentioned in ORS 146.120, if the killing or wounding of any human being has occurred in the open and not within any building, tent or other premises, the coroner may forbid the entrance of any person, except peace officers and district attorneys, into any specified, roped-off or defined area bearing any marks, imprints or other evidence of the manner of the killing, wounding or suicide of the human being.

(2) No person shall violate or trespass upon any such designated area.

146.140 Removal of body, effects or weapons without coroner's consent prohibited. No body of any person who has been killed shall be removed from the place where death occurred without the permission of the coroner having been first obtained. No person shall remove any of the effects, personal property, instruments or weapons used in the killing, wounding or suicide of any other human being until permitted so to do by the coroner.

146.150 Summoning jury of inquest. (1) When it becomes the duty of a coroner to make the inquiry mentioned in ORS 146.110, he shall go to the place where the dead or wounded person is and forthwith summon a jury of inquest to appear before him forthwith at a specified place to inquire into the cause of the death or wound.

(2) If the office of coroner is vacant or if the coroner for any reason is unable to act or is absent from the county, any justice of the peace of the county is authorized and required to perform the duties hereby required of the coroner.

146.160 Swearing of jurors. When the six jurors appear, they shall be sworn by the coroner to:

(1) Inquire into who the person was, when and where and by what means he came to his death or was wounded, and what the circumstances attending the death or wounding were; and

(2) Give a true verdict thereon according to the evidence offered to them or arising from the inspection of the body.

146.170 Witnesses; disobedience of coroner's order or process. (1) The coroner shall subpena and examine as witnesses every person who in his opinion has any knowledge of the material facts.

(2) No person shall fail or refuse to obey the orders or processes of any coroner or fail to assist in determining facts or apprehending persons found by inquest or examination to be guilty of a crime concerning the killing or wounding of a human being. [Amended by 1955 c.161 §1]

146.180 Power of coroner over witnesses. For the purpose of subpenaing witnesses, compelling them to attend and testify and punishing them for disobedience, a coroner is to be deemed a magistrate, with the power and authority in that respect specified in ORS 139.010 to 139.130.

146.190 Form and contents of verdict. When the examination is closed, the jury shall give its verdict as provided in ORS 146.020, in writing and signed by its members, setting forth, so far as it knows or has good reason to believe, who the person killed or wounded is; when, where and by what means he came to his death or was wounded; and whether any person, and who, is guilty of a crime thereby.

146.200 Testimony to be reduced to writing; verdict to be delivered to coroner. The testimony of the witnesses shall be reduced to writing by the coroner or under his direction and the verdict of the jury delivered to him.

146.210 Delivery of testimony and verdict to magistrate or clerk. (1) If the jury finds that a crime was committed in the killing or the wounding, the coroner shall forthwith deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest on an information; but if the jury does not so find, he shall return the same to the clerk of the county court.

(2) If, however, the defendant is arrested before the testimony and verdict are delivered or returned as directed in subsection (1) of this section, the coroner shall deliver the same to the magistrate before whom the defendant is brought.

146.220 Duty of magistrate to issue warrant of arrest and to hold or discharge defendant. In case the verdict and testimony are delivered before the arrest is made, if the verdict of the jury also charges a person with the commission of the crime, the magistrate to whom the same is delivered shall forthwith issue a warrant for the arrest of such person, as on an information; and when the defendant is brought before him, he shall proceed to examine the charge contained in the verdict and hold the defendant to answer or discharge him therefrom in the same manner in all respects as upon a warrant of arrest.

146.230 Burial of deceased. When a coroner holds an inquest upon the body of a stranger or pauper and no friend or relative appears to claim the body for burial, it shall be disposed of according to the provisions of ORS 97.170 to 97.210. If the coroner retains possession of the body, he shall cause it to be plainly and decently buried.

146.240 Expenses; custodian of closed premises, autopsy, inquest; burial if deceased had no money or property. (1) The coroner shall return to the county court a written statement, verified by his own oath, of the expense of any burial made by him. Except as provided in ORS 146.250, this account shall be audited and paid to the persons to whom the items thereof are due in

the same manner as ordinary claims against the county.

(2) The coroner, together with the district attorney, shall approve and certify to the correctness of all expenses incurred in conducting the autopsy or holding the inquest, or both, which expenses shall be paid by the county in the same manner as other bills against the county are paid.

(3) Any expense incurred in the custodianship mentioned in ORS 146.120 shall be paid by the county, upon bills verified by the coroner, in the same manner as other bills against the county are paid.

146.250 Money or property of deceased; delivery thereof to qualified claimants after payment of expenses of burying and transporting body. (1) If money or other property is found on the body or in the possession of any deceased person, the coroner shall make an inventory of it and take it into his possession. The inventory he shall verify and return to the county court with the account specified in ORS 146.240. When money or other property is found upon the body or in the possession of any deceased person referred to in ORS 146.230, the coroner shall make the inventory provided for herein in the presence of two or more witnesses, who shall attest the inventory thereof, and the coroner may pay the expenses of burying and of transporting the body to an amount not exceeding $125 and deduct such expenses from the amount or value of the property, taking a receipt from the undertaker or other person transporting or burying the body.

(2) When a legally qualified executor, administrator, surviving spouse or next of kin claims the body or property of the deceased, if the county has incurred no expenses in connection therewith, the coroner may deliver the money and property of the deceased person to such legally qualified person. [Amended by 1953 c.568 §3]

146.260 Transfer to county and disposition of unclaimed money or property of deceased after deduction of expenses. (1) After the deductions mentioned in subsection (1) of ORS 146.250 have been made, the coroner, within 30 days from the date of the inquest, if any is held, or from the date of death of such person, if no inquest was held, shall deliver the money remaining to the county treasurer; and if he fails so to do, the treasurer shall proceed against him for its recovery by a civil action in the name of the county. Any property other than money remaining in his possession shall be delivered by the coroner within such period to the county court or board of county commissioners of the county.

(2) Upon the delivery of money to the treasurer, he shall place it to the credit of the county. Upon the delivery of property other than money to the county court or board of county commissioners of the county, if it is of any value, the court or board shall order it to be sold as upon execution and, after deducting the expenses of sale, the proceeds thereof shall be delivered to the county treasurer and by him placed to the credit of the county. Property which in the judgment of the county court or board of county commissioners is of no value shall be destroyed upon the order and under the supervision of the board or court. [Amended by 1953 c.568 §3]

146.270 Payment by treasurer to representatives of deceased. If the money in the treasury is claimed by the legal representatives of the deceased within six years from the date of the deposit thereof, upon satisfactory proof that the claimants are such representatives, the county court shall order the money to be paid to the claimants.

146.280 Deduction of expenses of county. Before making the order provided for in ORS 146.270, the county court shall deduct from the amount deposited in the treasury all the expenses incurred by the county in relation to the matter and direct the remainder, if any, to be paid.

146.290 to 146.980 [Reserved for expansion]

PENALTIES

146.990 Penalties. Violation of ORS 146.115, subsection (2) of 146.120, subsection (2) of 146.130, ORS 146.140 or subsection (2) of 146.170 is punishable upon conviction by a fine not exceeding $500 or by imprisonment in the county jail for a period not exceeding six months, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel