Chapter 146

1965 REPLACEMENT PART

Investigations of Deaths and Injuries

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DEFINITIONS

146.005 Definitions. As used in this chapter:

(1) "Death requiring investigation" means a death occurring in one of the circumstances set forth in ORS 146.030.

(2) "Medical investigator" means a county or district medical investigator.

[1959 c.629 §8; 1965 c.221 §14]

INVESTIGATIONS OF DEATHS (General Provisions)

146.010 [Amended by 1959 c.629 §16; renumbered 10.810]

146.020 [Renumbered 10.820]

146.030 Deaths requiring investigation. An investigation of the death of a person occurring in any of the following circumstances shall be made by the medical investigator:

(1) Where death was caused or apparently caused by external force, including but not limited to the following causes:

(a) Homicide and suicide.

(b) Criminal abortion, including one self-induced.

(c) Accident.

(d) Thermal, chemical, electrical or irradiation injury.

(2) Where death was caused or apparently caused by a disease which is of a hazardous or highly communicable nature as specified by the board.

(3) Where death was caused or apparently caused by deceased's employment, or accident while employed, including diseases relating to injury.

(4) Where a person who is found dead or has died suddenly has not been under the care of a person licensed to practice one or more of the healing arts during the period immediately previous to death.

(5) Where deceased was admitted to a public or private institution for less than 24 hours and is not known by the medical investigator to have been under the care of a person licensed to practice one or more of the healing arts during the period immediately previous to admittance.

(6) Where a death certificate has been signed, but circumstances indicate to the medical investigator that further investigation may be necessary to determine the cause of death.

(7) Where death occurred under suspicious or unknown circumstances.

[1959 c.629 §10; 1965 c.221 §15]

Note: The 1965 amendment to ORS 146.030 does not become operative until the office of Multnomah County Coroner becomes vacant or until the incumbent completes his current term of office in January 1969, whichever is earlier. See 1965 c.221 §29. Until such time, the introductory clause of ORS 146.030 will read: "An investigation of the death of a person occurring in any of the following circumstances shall be made by the coroner or medical investigator, as the case may be:".

146.040 Chief Medical Investigator. (1) The office of Chief Medical Investigator hereby is established within the agency headed by the State Board of Health.

(2) He shall be a pathologist and, in the opinion of the State Board of Health, possess the qualifications which would make him eligible to be licensed by the State Board of Medical Examiners.

(3) He shall be appointed by the State Board of Health and is subject to removal in the manner provided for the State Health Officer. He shall receive an annual salary, which shall be fixed by the State Board of Health unless otherwise fixed by ORS 292.505 to 292.790.

(4) He may teach medical or law school classes if, in the opinion of the State Board of Health, it will contribute to the performance of his duties or promote the objectives of ORS 146.050 to 146.070.

(5) Subject to the State Civil Service Law, the Chief Medical Investigator may employ personnel to fill or discharge personnel from positions established by the State Board of Health to aid him in the performance of his functions.

[1959 c.629 §1]

146.050 Duties of Chief Medical Investigator. The Chief Medical Investigator shall:

(1) Where practicable, use existing laboratory facilities for the pathological, toxicological, bacteriological and serological examinations used in conducting post mortem examinations.

(2) Under the direction of the State Board of Health and the State Health Officer, secure temporary laboratory facilities where needed.

(3) Under the direction of the board and the State Health Officer, serve as supervisor to county and district medical investigators in all matters relating to the investigation of deaths occurring under circumstances set forth in ORS 146.030.

(4) Assist and advise county and district medical investigators in the performance of their duties and provide them with forms for making reports.

(5) Prepare and maintain a list of pathologists willing to cooperate in the performance of post mortem examinations when ordered under ORS 146.470.

(6) Under the direction of the State Board of Health and the State Health Officer, and in cooperation with law enforcement agencies, conduct training programs for medical investigators and peace officers.

(7) Keep complete records of all relevant information concerning deaths requiring investigation. The findings of post mortem examinations and inquests, if any, shall be part of the record in each case.
[1959 c.629 §2]

146.060 Biennial report of Chief Medical Investigator. The Chief Medical Investigator shall submit a biennial report to the State Board of Health and State Medical Investigation Advisory Committee showing by counties and in the state:

(1) The general status of medical investigations into deaths as of June 30 preceding the biennial session of the Legislative Assembly.

(2) The number of deaths occurring in the circumstances set forth in ORS 146.030, the number of post mortem examinations conducted and the number of inquests held.

(3) Training programs begun and recommendations for future training programs.

(4) Other information that may be of use to the board.
[1959 c.629 §3]

146.070 State Medical Investigation Advisory Committee. (1) There hereby is established the State Medical Investigation Advisory Committee.

(2) The advisory committee shall recommend for the consideration of the State Board of Health policy, standards and procedures for the administration of ORS 146.030 to 146.060, 146.420 to 146.470, 146.560 to 146.590, and 431.130.

(3) The advisory committee shall recommend the name or names of pathologists to the State Board of Health, from which the board may appoint the Chief Medical Investigator.

(4) The advisory committee shall consist of seven members appointed by the Governor and shall include:

(a) A district attorney.

(b) A sheriff.

(c) The Superintendent of State Police.

(d) A physician licensed by the State Board of Medical Examiners.

(e) A county or district health officer.

(f) A pathologist.

(g) A member from the general public.

(5) The Chief Medical Investigator shall be a member of the advisory committee without a vote.

(6) The advisory committee shall meet biannually at a time and place to be determined by the chairman. The chairman or any three members of the committee may call a special meeting upon not less than one week's notice to the other members. However, the committee shall hold its first meeting as soon as possible following the appointment of its members.

(7) The term of each member of the advisory committee, other than the Superintendent of State Police, shall be two years, except that the terms of three of such original members, to be determined by lot at the first meeting of the committee, shall expire on December 31, 1961, and the terms of the other three original members shall expire on December 31, 1962. An appointment to fill a vacancy shall be for the unexpired term of the member whose position has become vacant. The Superintendent of State Police shall be a member so long as he holds the position of superintendent.

(8) The advisory committee shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties as the committee shall determine. Three voting members of the board shall constitute a quorum for the transaction of business.

(9) A member of the advisory committee may not be compensated for his services as a member; but, subject to any other applicable law regulating travel and other expenses for state officers, he may receive his actual and necessary travel and other expenses incurred in the performance of his official duties.
[1959 c.629 §4]

146.080 to 146.100 [Reserved for expansion]

(Multnomah County Coroner)

146.105 Counties to which ORS 146.110 to 146.280 apply. ORS 146.110, 146.115, 146.120, 146.130, 146.140, 146.150, 146.160, 146.170, 146.180, 146.190, 146.200, 146.210,

146.220, 146.230, 146.240, 146.250, 146.260, 146.270 and 146.280 shall apply to every county having a population of 400,000 persons, or more, according to the latest federal decennial census, and to every county having a population of less than 400,000 persons, according to the latest federal decennial census, in which the office of a coroner elected or appointed before January 1, 1961, has not become vacant or the coroner has not completed the term of office for which he was elected or appointed.

[1959 c.629 §7; repealed by 1965 c.221 §27]

Note: The repeal of ORS 146.105 to 146.280 does not become operative until the office of Multnomah County Coroner becomes vacant or until the incumbent completes his current term of office in January 1969, whichever is earlier. See 1965 c.221 §29.

146.110 Duties of coroner when informed of death requiring investigation; report of findings. (1) When the coroner is informed or ascertains that there is a death requiring investigation, the coroner shall immediately report the matter to the district attorney of his county, cause the body of any such deceased person to 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.

(2) The coroner shall make a written report containing the findings that result from investigation of a death requiring investigation. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall immediately be sent to the Chief Medical Investigator. The district attorney may request and secure copies of these reports.

(3) Any person who is refused an inspection of the records provided for in subsection (2) of this section may compel access to the records in the manner provided in ORS 432.130.

[Amended by 1959 c.629 §34; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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 death of such person may have transpired. For the purpose of preserving evidence until an inquest has been held as to the death 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.

[Amended by 1959 c.629 §35; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

146.130 Roping-off open area to preserve evidence. (1) For the purpose of protecting evidence, as mentioned in ORS 146.120, if the death 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 death of the human being.

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

[Amended by 1959 c.629 §36; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

146.140 Removal of body, effects or weapons without coroner's consent prohibited. No body of any person shall be removed from the place where the death requiring investigation 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 death requiring investigation until permitted so to do by the coroner.

[Amended by 1959 c.629 §37; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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 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.

(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.

[Amended by 1959 c.629 §38; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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, and what the circumstances attending the death were; and

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

[Amended by 1959 c.629 §39; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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 a death.

[Amended by 1955 c.161 §1; 1959 c.629 §40; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.

[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

146.190 Form and contents of verdict. When the examination is closed, the jury shall give its verdict as provided in ORS 10.820, in writing and signed by its members, setting forth, so far as it knows or has good reason to believe, who the dead person is; when, where and by what means he came to his death; and whether any person, and who, is guilty of a crime thereby.

[Amended by 1959 c.629 §41; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.

[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

146.210 Delivery of testimony and verdict to magistrate or clerk. (1) If the jury finds that a crime was committed in causing the death, 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.

[Amended by 1959 c.629 §42; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.

[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.

[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.

[Repealed by 1965 c.221 §27]

Note: Se note under ORS 146.105.

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; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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; repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.
[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

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.
[Repealed by 1965 c.221 §27]

Note: See note under ORS 146.105.

146.290 to 146.300 [Reserved for expansion]

(Deputy Chief Medical Investigator in Multnomah County)

146.310 Office of Deputy Chief Medical Investigator established in counties over 200,000 population; appointment; qualifications; salary. (1) In every county having a population of 200,000 or more persons according to the latest federal decennial census there is established the office of Deputy Chief Medical Investigator within the agency headed by the State Board of Health.

(2) Subject to the applicable provisions of state civil service law, the Chief Medical Investigator shall appoint the Deputy Chief Medical Investigator who shall be a pathologist and, in the opinion of the State Board of Health, possess the qualifications which would make him eligible to be licensed by the State Board of Medical Examiners.

(3) The Deputy Chief Medical Investigator shall be the administrative head of the office of the Deputy Chief Medical Investigator. Each Deputy Chief Medical Investigator shall receive an annual salary which shall be fixed by the State Board of Health.
[1965 c.221 §2]

Note: ORS 146.310 to 146.370 does not become operative until the office of Multnomah County Coroner becomes vacant or until the incumbent completes his current term of office in January 1969, whichever is earlier. See 1965 c.221 §29.

146.320 Laws applicable; status of Deputy Chief Medical Investigator. Except for the provisions contained in ORS 146.410, 146.420 and 146.565, all the provisions contained in this chapter shall apply in each county in which the office of Deputy Chief Medical Investigator is established and with respect to such provisions, the Deputy Chief Medical Investigator shall be deemed a medical investigator.
[1965 c.221 §5]

Note: See note under ORS 146.310.

146.330 Absence or disability of Deputy Chief Medical Investigator; vacancy in office. (1) If the Deputy Chief Medical Investigator is absent or unable to act or if a vacancy exists in the office of Deputy Chief Medical Investigator, the Chief Medical Investigator shall be notified immediately by the Deputy Chief Medical Investigator or by his deputy medical investigator senior in time of service in such position.

(2) The Chief Medical Investigator may act in place of the Deputy Chief Medical Investigator, appoint a temporary Deputy Chief Medical Investigator to act until the Deputy Chief Medical Investigator returns or is able to act or appoint a successor Deputy Chief Medical Investigator subject to the provisions of subsection (2) of ORS 146.310.
[1965 c.221 §3]

Note: See note under ORS 146.310.

146.340 Appointment of deputy medical investigators and other personnel. Subject to the applicable provisions of any county civil service law, each Deputy Chief Medical Investigator may appoint one or more deputy medical investigators to assist him in carrying out the functions of his office and may employ such other personnel as he deems necessary to operate his office.
[1965 c.221 §4]

Note: See note under ORS 146.310.

146.350 Expenses. (1) Except as provided in subsection (2) of this section, all expenses of equipping, maintaining and operating the office of a Deputy Chief Medical Investigator shall be paid by the county from funds available for such purpose.

(2) The salary of the Deputy Chief Medical Investigator shall be paid by the state from funds available for such purpose.

(3) The Deputy Chief Medical Investigator shall approve and certify to the correctness of all expenses incurred while investigating a death requiring investigation.
[1965 c.221 §6]

Note: See note under ORS 146.310.

146.360 Continuation of pending proceedings. Whenever the office of Deputy Chief Medical Investigator is established in any county, the Deputy Chief Medical Investigator for such county shall continue, under the applicable provisions of law, any pending investigation commenced prior to such time by the coroner or medical investigator for such county.
[1965 c.221 §7]

Note: See note under ORS 146.310.

146.370 Agreements for lease or purchase of properties formerly used by coroner or medical examiner. With respect to each county in which the office of Deputy Chief Medical Investigator is established, that county and the state may enter into agreements for the state to lease or purchase the supplies, materials, equipment, books and facilities, including real property and improvements thereon, that, immediately prior to the establishment of the office of Deputy Chief Medical Investigator, were used by the coroner or medical investigator for such county in the performance of his duties.
[1965 c.221 §8]

Note: See note under ORS 146.310.

(Counties other than Multnomah County)

146.410 Counties to which ORS 146.410 to 146.610 apply. ORS 146.410 to 146.610 shall apply to every county which has a population of less than 200,000 persons according to the latest federal decennial census.
[1959 c.629 §6; 1965 c.221 §16]

146.420 County or district medical investigator; peace officer as deputy; assistant medical investigator. (1) The county or district medical investigator shall be appointed by the Chief Medical Investigator with the approval of the governing body of the county. The appointee may be the county or district health officer and shall be paid for his services as a medical investigator in a manner agreed upon by the parties concerned and shall be licensed by the State Board of Medical Examiners.

(2) The medical investigator may appoint one or more deputies to assist him. An appointee may be a peace officer.

(3) Subject to the approval of the Chief Medical Investigator and the governing body of the county, the medical investigator shall appoint one or more assistant medical investigators who shall as authorized by the medical investigator assist him in carrying out the functions of his office. In those instances where there is only one assistant medical investigator, he shall be acting medical investigator in place of the medical investigator if the medical investigator is unavailable or is not able to act, or in the event his office becomes vacant. Where more than one assistant medical investigator is appointed, the medical investigator shall designate one of the assistant medical investigators to be acting medical investigator in his place at such times as the medical investigator is not available or is not able to act or in the event that his office becomes vacant. The medical investigator shall inform the Chief Medical Investigator in writing as to the name of the assistant medical investigator so designated under the provisions of this section. The assistant medical investigators shall possess the qualifications of the medical investigator and shall be licensed by the Oregon State Board of Medical Examiners.

(4) If the medical investigator and the assistant medical investigator who is to act in his place as provided in subsection (3) of this section, are absent or unable to act or a vacancy exists in the offices of the medical investigator and assistant medical investigator, the Chief Medical Investigator may act in their place, or may appoint a temporary medical investigator until either of them returns, is able to act or the vacancy is filled.
[1959 c.629 §9; 1963 c.98 §1; 1965 c.91 §1]

146.430 Medical investigator to report deaths to district attorney; supervision over investigations. (1) When the medical investigator is informed or ascertains that there is a death requiring investigation, he shall immediately report the matter to the district attorney of the county in which the death occurred and shall immediately notify the Chief Medical Investigator in all instances where death has occurred under violent, suspicious or unusual circumstances.

(2) Death investigations shall be under the control and direction of the medical investigator and the district attorney. How-

ever, the Chief Medical Investigator may, at his discretion, assume control of the medical investigation in cooperation with the district attorney.
[1959 c.629 §11; 1961 c.434 §3; 1965 c.91 §2]

146.440 Deaths to be reported to medical investigator. 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 cooperate with the medical investigators. These officials and all peace officers, district attorneys, physicians, undertakers, embalmers and other persons shall promptly notify the medical investigator or one of his deputies of the county or district in which the death occurred of all unreported or uncertified deaths requiring investigation, or previously certified deaths requiring further investigation which come to their attention.
[1959 c.629 §12]

146.450 Right to enter or close premises. (1) The medical investigator or any of his deputies may enter any room, dwelling, building or other place in which the body or evidence of the circumstances of the death requiring investigation may be found.

(2) To preserve evidence, the medical investigator or any of his deputies may take under their custody and close or lock any room, dwelling, building or other inclosure for a period of not more than five days.

(3) If a death requiring investigation occurs in the open, the medical investigator or any of his deputies may rope off or otherwise specify any area in which they consider it necessary to preserve evidence.

(4) The medical investigator or any of his deputies may forbid the entrance of any person, except peace officers and district attorneys, into the areas specified under subsection (2) or (3) of this section.

(5) No unauthorized person shall trespass upon the areas specified in subsection (2) or (3) of this section.
[1959 c.629 §13]

146.460 [1959 c.629 §14; repealed by 1965 c.91 §3 (146.461 enacted in lieu of 146.460)]

146.461 Removal or disturbance of body, effects or weapons without consent prohibited. No human body or body suspected of being human shall be removed from the place where the death requiring investigation occurred without permission of the medical investigator, his assistant, deputy or the district attorney having been first obtained. At the direction of the medical investigator or district attorney no embalming, cleansing of the surfaces of the body or other alteration of the appearance or state of the body, clothing or personal effects shall be effected until the permission of such official has been obtained. Removal of the body shall not be effected if the medical investigator, Chief Medical Investigator or district attorney objects nor shall any person remove any of the effects of the deceased, or instruments or weapons used in the death requiring investigation, unless prior permission of the medical investigator, Chief Medical Investigator or district attorney has been obtained.
[1965 c.91 §4 (enacted in lieu of 146.460)]

146.470 Post-mortem examination and inquest; pathologist to perform post-mortem examination. The medical investigator, Chief Medical Investigator or district attorney may order a post-mortem examination, and the district attorney may order an inquest, to be held in the case of a death requiring investigation. If a post-mortem examination is ordered, the medical investigator shall obtain the services of a pathologist who is listed by the Chief Medical Investigator, to perform the post-mortem examination. However, the Chief Medical Investigator, or, if he is a pathologist, the medical investigator, may perform the post-mortem examination. Neither the Chief Medical Investigator nor any county or district health officer or any other physician in the capacity of medical investigator, may receive additional compensation for performing the post-mortem examination.
[1959 c.629 §15; 1961 c.434 §4; 1965 c.91 §5]

146.480 Summoning jury of inquest. When an inquest is ordered the district attorney shall immediately summon a jury of inquest to appear before him at a specified place to inquire into the cause of death.
[1959 c.629 §17]

146.490 Swearing of jurors. When the six jurors appear, they shall be sworn by the district attorney to:

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

(2) Give a true verdict thereon according

to the evidence offered to them or arising from the inspection of the body.
[1959 c.629 §18]

146.500 Witnesses; disobedience of district attorney's order or process. (1) The district attorney 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 district attorney or fail to assist in determining facts or apprehending persons found by inquest or examination to be guilty of a crime concerning a death.
[1959 c.629 §19]

146.510 Power of district attorney over witnesses. For the purpose of subpenaing witnesses, compelling them to attend and testify and punishing them for disobedience, a district attorney is to be deemed a magistrate, with the power and authority in that respect specified in ORS 139.010 to 139.130.
[1959 c.629 §20]

146.520 Form and contents of verdict. When the examination is closed, the jury shall give its verdict as provided in ORS 10.820, in writing and signed by its members, setting forth, so far as it knows or has good reason to believe who the dead person is; when, where and by what means he came to his death; and whether any person, and who, is guilty of a crime thereby.
[1959 c.629 §21]

146.530 Testimony to be reduced to writing; verdict to be delivered to district attorney. The testimony of the witnesses shall be reduced to writing by the district attorney or under his direction and the verdict of the jury delivered to him.
[1959 c.629 §22]

146.540 Delivery of testimony and verdict to magistrate or clerk; report of district attorney. (1) If the jury finds that a crime was committed in causing the death, the district attorney shall immediately 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 district attorney shall deliver the same to the magistrate before whom the defendant is brought.

(3) The district attorney shall make a written report containing the findings that result from holding an inquest. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall be sent to the Chief Medical Investigator.
[1959 c.629 §23]

146.550 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.
[1959 c.629 §24]

146.560 Report of investigation. (1) The medical investigator shall make a written report containing the findings that result from his investigation of a death requiring investigation. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall immediately be sent to the Chief Medical Investigator and, if further investigation is considered advisable, to the district attorney of the county in which the death occurred. The district attorney may request and secure copies of these reports.

(2) Any person who is refused an inspection of the records provided for in subsection (1) of this section may compel access to the records in the manner provided in ORS 432.130.
[1959 c.629 §25]

146.565 Certification of expenses of investigation; payment of expenses, including burial expenses. (1) The medical investigator, together with the district attorney, shall approve and certify to the correctness of all expenses incurred while investigating a death requiring investigation. These expenses and any burial expenses, incurred under ORS 146.570, shall be paid by the county in the same manner as other bills against the county are paid, except that one-half the cost of a post-mortem examination ordered

under ORS 146.470 shall be paid by the state from funds appropriated for such purpose. However, if at any time it appears to the State Board of Health that the funds appropriated for paying the state's share of the cost of post-mortem examinations will be insufficient to meet all of the state's share during the remainder of the biennium, proportional payments of less than one-half of such costs shall be made from the funds appropriated for such purpose in such manner as to prevent a biennial deficit.

(2) All expenses incurred pursuant to the investigation of a death shall be paid by the county wherein death occurred, if known or ascertainable, or if not known or is not ascertainable then by the county in which the dead body was found except that in those instances where, because of illness, injury or emergency circumstances, a person was placed on a conveyance resulting in removal from the county wherein the person was placed on such conveyance and such person subsequently dies or is dead on arrival, then and in that event all expenses incurred pursuant to investigation of the death shall be paid by the county wherein such person was placed upon the conveyance resulting in removal as described in this subsection.
[1961 c.434 §2; 1965 c.91 §6; 1965 c.439 §4]

146.570 Burial of deceased. When a medical investigator investigates the death of a stranger or pauper and no friend or relative appears to claim the body for burial, the sheriff shall dispose of the body according to the provisions of ORS 97.170 to 97.210. If the sheriff retains possession of the body, he shall cause it to be plainly and decently buried.
[1959 c.629 §26]

146.580 Sheriff's statement of burial expenses. The sheriff shall return to the county court or board of county commissioners a written statement, verified by his own oath, of the expense of any burial made by him under ORS 146.570.
[1959 c.629 §27; 1961 c.434 §5]

146.590 Disposition of money and property of deceased. (1) When the sheriff of the county in which the death occurred takes possession of a body under ORS 146.570, he shall make separate inventories of the money and other personal property found on the body or in the possession of the deceased and after receiving permission from the medical investigator and district attorney shall take such property into his possession. He shall verify the inventories and return the money and inventory thereof to the county treasurer and the other property and inventory thereof to the county court or board of county commissioners. The medical investigator or district attorney may thereafter obtain temporary possession of any property which, in his opinion, is useful in establishing the cause of death or is to be used in further proceedings.

(2) Upon the delivery of money to the treasurer, he shall place it to the credit of the county. Upon the delivery of other personal property to the county court or board of county commissioners of the county, if it is of any value, and not earlier than 30 days from the date of inquest, if any, or from the date of death, the court or board shall order it to be sold as upon execution. 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.

(3) When a legally qualified executor, administrator, surviving spouse or next of kin claims the money or other personal property within 30 days from the date of inquest, if any, or from the date of death, the treasurer shall deliver the money of the deceased person to this legally qualified person, and the county court or board of county commissioners shall deliver the other personal property of the deceased to this legally qualified person. Any expenses incurred in burying the body may be deducted from the amount of money or value of the other personal property.
[1959 c.629 §§28, 29; 1961 c.434 §6]

146.600 Claim upon money of deceased by legal representative. If the money in the treasury is claimed by the legal representative of the deceased within seven years from the date of the deposit thereof, upon satisfactory proof that the claimants are such representatives, the county court or board of county commissioners shall order the money to be paid to the claimants. If the money is not claimed within seven years and is presumed abandoned under ORS 98.336, the court or board shall order the money to be paid as required by law.
[1959 c.629 §30]

146.610 Deduction of expenses of county. Before making an order provided for in ORS 146.600, the county court or board of county commissioners 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.
[1959 c.629 §31]

146.620 to 146.700 [Reserved for expansion]

INVESTIGATIONS OF INJURIES

146.710 Definition for ORS 146.710 to 146.780. As used in ORS 146.710 to 146.780, "injury" means:

(1) A physical injury caused by a knife, gun, pistol or other deadly weapon; or

(2) Any physical injury to a child of the age of 12 or under caused by blows, beatings, physical violence or abuse where there is some cause to believe that such physical injury was intentionally or wantonly inflicted and includes wanton neglect, as revealed by a physical examination, which leads to physical harm to the child.
[1963 c.621 §1; 1965 c.472 §1]

146.720 [1963 c.621 §§3, 4; amended by 1965 c.221 §17; repealed by 1965 c.472 §9]

146.730 Investigation. An investigation of an injury may be made by a medical investigator whenever the injury occurred under suspicious or unknown circumstances. All authority granted to the medical investigator by this chapter may be exercised in making such investigation.
[1963 c.621 §2; 1965 c.221 §18]

Note: The 1965 amendment to ORS 146.730 does not become operative until the office of Multnomah County Coroner becomes vacant or until the incumbent completes his current term of office in January 1969, whichever is earlier. See 1965 c.221 §29. Until then, ORS 146.730 will read:

"An investigation of an injury may be made by a coroner or medical investigator whenever the injury occurred under suspicious or unknown circumstances. All authority granted to the coroner or medical investigator by ORS 146.005 to 146.070, 146.105 to 146.280 and 146.410 to 146.610 may be exercised in making such investigation."

146.740 Reports of medical investigator. (1) Whenever the medical investigator concludes that a crime may have been committed by any person in causing the injury, he shall report his conclusion to the district attorney.

(2) Whenever the medical investigator finds that the injury was to a child of the age of 12 or under and that it was caused in a manner which could place the child under the jurisdiction of the juvenile court, he shall report the circumstances of the injury to the juvenile court.
[1963 c.621 §§5, 6; 1965 c.221 §19]

Note: See note under ORS 146.730. Until such operative date, ORS 146.740 will read:

"(1) Whenever the coroner or medical investigator concludes that a crime may have been committed by any person in causing the injury, he shall report his conclusion to the district attorney.

"(2) Whenever the coroner or medical investigator finds that the injury was to a child of the age of 12 or under and that it was caused in a manner which could place the child under the jurisdiction of the juvenile court, he shall report the circumstances of the injury to the juvenile court."

146.750 Injuries to be reported to medical investigator; injuries to children. (1) Any physician, including any intern and resident, having reasonable cause to suspect that a person brought to him or coming before him for examination, care or treatment has had physical injury or injuries, as defined in ORS 146.710, inflicted upon him other than by accidental means, shall report or cause reports to be made in accordance with the provisions of subsection (2) of this section. However, when the attendance of a physician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institution the physician shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made in accordance with the provisions of subsection (2) of this section.

(2) An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as possible by a report in writing, to the appropriate medical investigator. With respect to injuries referred to in subsection (2) of ORS 146.710, such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries (including any evidence of previous injuries), and any other information that the physician believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.
[1965 c.472 §§3, 4]

146.760 Immunity of participant in making of report. Anyone participating in good faith in the making of a report pursuant to subsection (2) of ORS 146.750 and who has reasonable grounds for the making thereof shall have immunity from any liability, civil

or criminal, that might otherwise be incurred or imposed with respect to the making of such report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.
[1965 c.472 §5]

146.770 Nonexclusion of evidence regarding child's injuries on ground of privilege. In the case of injury to a child neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report made pursuant to subsection (2) of ORS 146.750.
[1965 c.472 §6]

146.780 Copy of report to be forwarded to Chief Medical Investigator; confidentiality of records and reports. (1) Every medical investigator who receives a report under subsection (2) of ORS 146.750 shall record the details of the report on a form provided by the office of the Chief Medical Investigator and shall send a copy of the completed form to the Chief Medical Investigator.

(2) Notwithstanding the provisions of ORS chapter 192 relating to confidentiality and accessibility for public inspection of public records and public documents, records and reports compiled under the provisions of this section are confidential and are not accessible for public inspection except as provided by subsection (3) of this section, or as ordered by a court.

(3) The Chief Medical Investigator shall make available to any law enforcement agency in this and other states and of the Federal Government such information as he may have in his possession relating to injuries to a child under 12 years of age.
[1965 c.472 §7]

146.790 to 146.980 [Reserved for expansion]

PENALTIES

146.990 Penalties. (1) Violation of ORS 146.440, subsection (5) of 146.450, ORS 146.461 or subsection (2) of 146.500, 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.

(2) Anyone knowingly and wilfully violating the provisions of subsection (2) of ORS 146.750, shall be guilty of a misdemeanor.
[Subsection (1) enacted as 1959 c.629 §45; subsection (3) of 1963 Replacement Part enacted as 1963 c.621 §7; 1965 c.221 §20; 1965 c.472 §8]

Note: The amendment to ORS 146.990 by 1965 c.221 §20, which deletes former subsection (1), does not become operative until the office of Multnomah County Coroner becomes vacant or until the incumbent completes his current term of office in January 1969, whichever is earlier. See 1965 c.221 §29. Until then, former subsection (1) of ORS 146.990 will read: "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 November 15, 1965.

Sam R. Haley
Legislative Counsel