Chapter 146

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Investigations of Deaths, Injuries and Missing Persons

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INVESTIGATION OF DEATHS

(Definitions)

146.003 Definitions for ORS 146.003 to 146.165 and 146.710 to 146.992. As used in ORS 146.003 to 146.165 and 146.710 to 146.992, unless the context requires otherwise:

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

(2) "Assistant district medical examiner" means a physician 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) "Deputy medical examiner" means a person appointed by the district medical examiner to assist in the investigation of deaths within a county.

(6) "District medical examiner" means a physician appointed by the State Medical Examiner to investigate and certify deaths within a county or district, including a Deputy State Medical Examiner.

(7) "Manner of death" means the designation of the probable mode of production of the cause of death, including natural, accidental, suicidal, homicidal or undetermined.

(8) "Medical examiner" means a physician appointed as provided by ORS 146.003 to 146.165 to investigate and certify the cause and manner of deaths requiring investigation, including the State Medical Examiner.

(9) "Pathologist" means a physician holding a current license to practice medicine and surgery and who is eligible for certification by the American Board of Pathology. [1973 c.408 §1a]

146.005 [1959 c.629 §8; 1965 c.221 §14; repealed by 1973 c.408 §35]

(Administrative Provisions)

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

146.015 State Medical Examiner Advisory Board; duties; term; compensation and expenses; meetings; quorum. (1) There is hereby established the State Medical Examiner Advisory Board.

(2) The advisory board shall make policies for the administration of ORS 146.003 to 146.165 and the Health Division shall make rules to effectuate such policies.

(3) The advisory board shall recommend the name or names of pathologists to the Assistant Director for Health from which the assistant director shall appoint the State Medical Examiner.

(4) The State Medical Examiner Advisory Board shall consist of seven members appointed by the Governor and shall include:

(a) The Chairman of the Department of Anatomic Pathology at the Oregon Health Sciences University who shall be the chairman of the board;

(b) The Superintendent of State Police;

(c) A sheriff;

(d) A physician licensed by the Board of Medical Examiners for the State of Oregon;

(e) A pathologist;

(f) A district attorney; and

(g) A funeral service practitioner and embalmer licensed by the State Mortuary and Cemetery Board.

(5) The persons described in paragraphs (a) and (b) of subsection (4) of this section shall serve as long as they hold their respective positions. The terms of the persons described in paragraphs (c) and (f) of subsection (4) of this section shall be for four years, except that they shall become vacant if the person ceases to be a sheriff or district attorney, respectively. The terms of the other members of the board shall be four years.

(6) A member of the advisory board is entitled to compensation and expenses as provided in ORS 292.495.

(7) The advisory board shall meet annually at a time and place determined by the chairman. The chairman or any four members of the board may call a special meeting upon not less than one week's notice to the members of the board.

(8) Four members of the board shall constitute a quorum. [1973 c.408 §2]

146.020 [Renumbered 10.820]

146.025 Functions of board. In addition to the duties set forth in ORS 146.015 the State Medical Examiner Advisory Board shall:

(1) Recommend to the Executive Department the qualifications and compensation for the positions of State Medical Examiner and Deputy State Medical Examiner.

(2) Recommend to the county courts the compensation of the district medical examiners and assistant district medical examiners.

(3) Recommend to district medical examiners and district attorneys the qualifications for deputy medical examiners.

(4) Approve or disapprove of a single district medical examiner's office for two or more counties as provided by ORS 146.065 (5).

(5) Recommend a proposed budget for the State Medical Examiner's office to the Health Division.

(6) Annually review the State Medical Examiner's report prescribed by ORS 146.055 and report to the Assistant Director for Health and to the State Board of Health regarding the operation of the State Medical Examiner's office. [1973 c.408 §3]

146.030 [1959 c.629 §10, 1965 c 221 §15, repealed by 1973 c.408 §35]

146.035 State Medical Examiner; personnel; records; right to examine records. (1) There shall be established within the Health Division the State Medical Examiner's office for the purpose of directing and supporting the state death investigation program.

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

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

(4) The State Medical Examiner's office 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 Motor Vehicles Division a report for the preceding calendar month of all information obtained under ORS 146.113.

(5) Any parent, spouse, 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. [1973 c.408 §4; 1987 c.142 §1]

146.040 [1959 c.629 §1; repealed by 1973 c.408 §35]

146.045 Duties of State Medical Examiner. (1) After consultation with the State Medical Examiner Advisory Board, the State Medical Examiner shall appoint each Deputy State Medical Examiner.

(2) The State Medical Examiner shall:

(a) Appoint and discharge each district medical examiner as provided by ORS 146.065 (2).

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

(c) Approve those laboratories authorized to perform the analyses required under ORS 146.113 (2).

(3) The State Medical Examiner may:

(a) Assume control of a death investigation in cooperation with the district attorney.

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

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

(d) Amend a previously completed death certificate on a death requiring investigation.

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

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

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

(4) Distribution of moneys from the State Medical Examiner's budget for partial reimbursement of each county's autopsy expenditures shall be made subject to approval of the State Medical Examiner. [1973 c.408 §5]

146.050 [1959 c.629 §2; repealed by 1973 c.408 §35]

146.055 Advice; autopsies; training programs; report. (1) The State Medical Examiner shall assist and advise district medical examiners in the performance of their duties.

(2) The State Medical Examiner shall perform autopsies, if in the judgment of the State Medical Examiner such autopsy is necessary in any death requiring investigation, when requested by a medical examiner or district attorney.

(3) The State Medical Examiner shall regularly conduct training programs for the district medical examiners and law enforcement agencies.

(4) The State Medical Examiner shall submit an annual report to the State Medical Examiner Advisory Board detailing the activities and accomplishments of the state and each county office in the preceding year as well as a cost analysis of the office of the State Medical Examiner. [1973 c.408 §6]

146.060 [1959 c.629 §3; repealed by 1973 c.408 §35]

146.065 County and district medical examiners; appointment; Deputy State Medical Examiner. (1) In each county there shall be a medical examiner for the purpose

of investigating and certifying the cause and manner of deaths requiring investigation.

(2) Each district medical examiner shall be appointed by the State Medical Examiner with approval of the appropriate board or boards of commissioners and may be discharged by the State Medical Examiner without such approval.

(3) If the position of district medical examiner is vacant, the county health officer shall temporarily act as medical examiner in cooperation with the State Medical Examiner until the vacancy is filled.

(4) If the positions of district medical examiner and county health officer are both vacant, the district attorney shall temporarily act as medical examiner in cooperation with the State Medical Examiner until the vacancy is filled.

(5) Two or more counties, with the approval of the State Medical Examiner Advisory Board and commissioners of each county, may form a district medical examiner's office instead of an office for each such county.

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

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

(8) The services of the Deputy State Medical Examiner may be contracted by the Health Division. These contracts may be terminated by either party at any time by written notice to the other party to the agreement and, upon termination, the appointment of such Deputy State Medical Examiner is terminated. [1973 c.408 §7]

146.070 [1959 c.629 §4; 1969 c.314 §8; repealed by 1973 c.408 §35]

146.075 District office duties; personnel; expenses for certain duties; records and reports. (1) The district medical examiner shall serve as the administrator of the district medical examiner's office. Subject to applicable provisions of a county personnel policy or civil service law, the district medical examiner may employ such other personnel as the district medical examiner deems necessary to operate the office.

(2) All expenses of equipping, maintaining and operating the district medical examiner's office, including the compensation of the district medical examiner and assistant district medical examiners, shall be paid by the county or counties of the district from funds budgeted for such purpose.

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

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

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

(6) Each district office shall maintain copies of the:

(a) Reports of death investigation by the medical examiner;

(b) Autopsy reports;

(c) Laboratory analysis reports; and

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

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

(8) Copies of reports of death investigations by medical examiners and autopsy reports shall be forwarded to the State Medical Examiner's office.

(9) Each district office shall maintain current records of:

(a) All assistant district medical examiners appointed.

(b) Appointments of each deputy medical examiner appointed for the county or district.

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

(10) Each district office shall immediately in writing notify the State Medical Examiner's office of all appointments and resignations of their medical examiners. [1973 c.408 §8; 1987 c.142 §2]

146.080 Assistant district medical examiner. (1) Each district medical examiner may appoint one or more assistant district medical examiners.

(2) The qualifications of an assistant district medical examiner shall be prescribed by the State Medical Examiner Advisory Board.

(3) When delegated by the district medical examiner, an assistant district medical examiner shall:

(a) Assist the district medical examiner in investigating and certifying deaths.

(b) Have the authority and responsibility to investigate and certify deaths requiring investigation. [1973 c.408 §10]

146.085 Deputy medical examiners. (1) The district medical examiner shall appoint, subject to the approval of the district attorney and applicable civil service regulations, qualified deputy medical examiners, including the sheriff or a deputy sheriff and a member of the Oregon State Police for each county. Other peace officers may also be appointed as deputy medical examiners.

(2) The district medical examiner and the district attorney shall establish qualifications for deputy medical examiners.

(3) Each deputy medical examiner shall be individually appointed and the name of the deputy medical examiner shall be on file in the office of the district medical examiner.

(4) A deputy medical examiner shall investigate deaths subject to the control and direction of the district medical examiner or the district attorney.

(5) A deputy medical examiner may authorize the removal of the body of a deceased person from the apparent place of death.

(6) The deputy medical examiner may not authorize embalming, order a post-mortem examination or autopsy, or certify the cause and manner of death. [1973 c.408 §11]

146.087 [1975 c.565 §1; renumbered 146.001]

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

(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances;

(b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents;

(c) Occurring while incarcerated in any jail, correction facility or in police custody;

(d) Apparently accidental or following an injury;

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

(f) While not under the care of a physician during the period immediately previous to death;

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

(h) In which a human body apparently has been disposed of in an offensive manner.

(2) As used in this section, "offensive manner" means a manner offensive to the generally accepted standards of the community. [1973 c.408 §12; 1979 c.744 §4; 1985 c.207 §1]

146.095 Responsibility for investigation. (1) The district medical examiner and the district attorney for the county where death occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths requiring investigation.

(2) The medical examiner shall certify the manner and the cause of all deaths which the medical examiner is required to investigate. The certificate of death shall be filed as required by ORS 432.307.

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

(4) Within five days after notification of a death requiring investigation, the medical examiner shall make a written report of the investigation and file it in the district medical examiner's office.

(5) The district medical examiner shall supervise the assistant district medical examiners and deputy medical examiners in cooperation with the district attorney.

(6) The district medical examiner shall regularly conduct administrative training programs for the assistant district medical examiners, deputy medical examiners and law enforcement agencies. [1973 c.408 §9]

146.100 Where death considered to have occurred; notification of death required. (1) Death investigations shall be under the direction of the district medical examiner and the district attorney for the county where the death occurs.

(2) For purposes of ORS 146.003 to 146.165, if the county where death occurs is unknown, the death shall be deemed to have occurred in the county where the body is found, except that if in an emergency the deceased is moved by conveyance to another county and is dead on arrival, the death shall be deemed to have occurred in the county from which the body was originally removed.

(3) The district medical examiner or a designated assistant medical examiner for the county where death occurs shall be immediately notified of:

(a) All deaths requiring investigation; and

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

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

(5) The district medical examiner or deputy medical examiner shall immediately notify the district attorney for the county where death occurs of all deaths requiring investigation except for those specified by ORS 146.090 (1)(d) to (g).

(6) All peace officers, physicians, embalmers, supervisors of penal institutions and supervisors of hospitals or institutions caring for the ill or helpless shall cooperate with the medical examiner and shall make notification of deaths as required by subsection (3) of this section. [1973 c.408 §13, 1985 c.207 §22]

146.103 Removal of body, effects or weapons prohibited without consent. (1) In a death requiring an investigation, no person shall move a human body or body suspected of being human, or remove any of the effects of the deceased or instruments or weapons related to the death without the permission of a medical examiner, deputy medical examiner or the district attorney.

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

(3) A medical examiner, district attorney or deputy medical examiner shall take custody of or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner, district attorney or deputy medical examiner has reason to believe were involved in the death, in order to preserve evidence relating to the cause and manner of death.

(4) In a death requiring investigation, no person shall undress, embalm, cleanse the surface of the body or otherwise alter the appearance or the state of the body without the permission of the medical examiner or the district attorney. [1973 c.408 §14]

146.105 [1959 c.629 §7; repealed by 1965 c.221 §7]

146.107 Authority to enter and secure certain premises. (1) A medical examiner, deputy medical examiner or district attorney may enter any room, dwelling, building or other place in which the medical examiner, deputy medical examiner or district attorney has reasonable cause to believe that a body or evidence of the circumstances of death requiring investigation may be found.

(2) If refused entry, the medical examiner, deputy medical examiner or district attorney may apply to any judge authorized to issue search warrants for an order to enter such premises, search for and seize a body or any evidence of the cause or manner of death.

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

(4) To preserve evidence, a medical examiner, deputy medical examiner or district attorney may:

(a) Place under the custody or control of the medical examiner, deputy medical examiner or district attorney, or inclose or lock any room, dwelling, building or other inclosure for a period of not more than five days.

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

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

(5) No person shall enter upon the inclosures or areas specified in subsection (4) of this section without the permission of the medical examiner, deputy medical examiner or district attorney. [1973 c.408 §15]

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

(2) If unable to promptly obtain a designation of funeral home from the next of kin or responsible friends, the medical examiner or deputy medical examiner shall designate the funeral home. In designating the funeral home, the medical examiner or deputy medical examiner shall be fair and equitable among the funeral homes listed in the office of the district medical examiner. [1973 c.408 §16]

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

146.113 Authority to order removal of body fluids. (1) A medical examiner or district attorney may, in any death requiring investigation, order samples of blood or urine taken for laboratory analysis.

(2) When a death requiring an investigation as a result of a motor vehicle accident occurs within five hours after the accident and the deceased is over 13 years of age, a blood sample shall be taken and forwarded to an approved laboratory for analysis. Such blood or urine samples shall be analyzed for the presence and quantity of ethyl alcohol, and if considered necessary by the State Medical Examiner, the presence of controlled substances.

(3) Laboratory reports of the analysis shall be made a part of the State Medical Examiner's and district medical examiner's files. [1973 c.408 §17; 1979 c.744 §5]

146.115 [Amended by 1955 c.190 §1; repealed by 1965 c.221 §27]

146.117 Autopsies. (1) 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 rules of the Health Division.

(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. [1973 c.408 §18; 1987 c.142 §4]

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

146.121 Disposition of body; filing; expenses. (1) No person shall bury or otherwise dispose of the body of a person whose death required investigation, without having first obtained a burial or cremation permit, or a death certificate completed and signed by a medical examiner.

(2) When a medical examiner investigates the death of a person whose body is not claimed by a friend or relative within five days of the date of death, the sheriff or, in counties having a population of 400,000 or more, the medical examiner shall dispose of the body according to the provisions of ORS 97.170 to 97.210.

(3) If the medical examiner is unable to dispose of the body of a deceased person according to subsection (2) of this section, the medical examiner may order in writing that the body be either cremated, calcinated or plainly and decently buried.

(4) The sheriff or medical examiner shall file a copy of the death certificate, the order for disposition and a verified statement of the expenses of the cremation, calcination or burial with the board of county commissioners. The board of county commissioners shall pay such expenses, or any proportion thereof as may be available, from county funds annually budgeted for this purpose. [1973 c.408 §19]

146.125 Disposition of personal property. (1) The medical examiner, deputy medical examiner, district attorney or sheriff may temporarily retain possession of any property found on the body or in the possession of the deceased which in the opinion of the medical examiner, deputy medical examiner, district attorney or sheriff may be useful in establishing the cause or manner of death or may be used in further proceedings.

(2) When a medical examiner, deputy medical examiner, district attorney or sheriff assumes control or custody of money or personal property found on the body or in the possession of the deceased, the medical examiner, deputy medical examiner, district attorney or sheriff shall:

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

(b) File the inventory in the district medical examiner's office.

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

(3) If personal property is not retained by the medical examiner, deputy medical examiner, district attorney or sheriff, and is not claimed within 30 days, the inventory shall be filed with the board of county commissioners to be disposed of as follows:

(a) If the property has value, the board may order it sold and after deducting the cost of sale, shall deposit the proceeds of the sale with the county treasurer to the credit of the county general fund.

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

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

(5) If it appears that the person whose death required investigation died wholly intestate and without heirs, the county whose official has control or custody of the property shall notify the Director of the Division of State Lands within 15 days after the death.

(6) If a legally qualified personal representative, spouse, or next of kin:

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

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

(7) If money of the deceased is not claimed within seven years and is presumed abandoned as provided by ORS 98.302 to

98.436, the board of county commissioners shall order the money paid as required by law. [1973 c.408 §20; 1977 c.582 §5]

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

(Inquest)

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

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

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

(4) The district attorney shall cause a record of the inquest proceedings to be made which shall include the written order of inquest, a record of the testimony of witnesses and the written verdict of the jury.

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

(6) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical Examiner's office.

(7) The record of inquest shall be available for inspection as provided by ORS 146.035 (5). [1973 c.408 §21; 1987 c.142 §3]

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

146.145 Jury of inquest. (1) The district attorney shall order the inquest to be held at a specified time and place and as provided in ORS 10.810 and 10.820 shall summon a jury of inquest to inquire into the cause and manner of death.

(2) Upon receipt of a copy of the order of inquest, the sheriff shall select, as provided by law, not less than eight prospective members of the jury of inquest.

(3) The sheriff shall obtain a summons for each prospective juror selected and cause the summons to be served upon such juror.

(4) At the time and place of the inquest the sheriff shall report to the district attorney the names of all prospective jurors summoned.

(5) A prospective juror may be excused by the district attorney if the juror was related or closely associated with the deceased, was a witness to the death or shows good cause that the juror may be biased.

(6) From among the prospective jurors not excused, six members of the jury of inquest shall be drawn by lot. [1973 c.408 §22]

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

146.155 Inquest proceedings. (1) The six members of the jury of inquest shall be sworn by the district attorney to:

(a) Inquire into who the deceased person was, when and where the deceased person came to death, the cause of death and the manner of death.

(b) Give a true verdict thereof according to the evidence produced during the inquest.

(2) The district attorney shall subpoena as a witness any person who the district attorney believes has knowledge of facts relevant and material to the inquiry. The jury of inquest may request but may not require that other persons be subpoenaed.

(3) The district attorney shall examine each witness as to all facts which the district attorney deems relevant and material to the inquiry. After examination by the district attorney, the members of the jury may inquire of the witness provided that their examination is relevant and material.

(4) When the examination of witnesses is closed, the district attorney shall advise the jury as to their duty under law, and as to questions of law arising from the facts or posed by the jury.

(5) After having been advised of law, the jury shall retire to deliberate and to arrive at its verdict.

(6) The verdict shall be delivered to the district attorney. [1973 c.408 §23]

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

146.165 Verdict; findings; testimony and verdict of inquest as admissible evidence in subsequent proceedings. (1) The jury shall give its verdict in writing, signed by its members, setting forth its findings from the evidence produced:

(a) Who the deceased person was;

(b) When and where the deceased person came to death;

(c) The cause of death; and

(d) The manner of death.

(2) The verdict of a jury of inquest shall not preclude nor require a criminal charge by the grand jury or district attorney.

(3) The testimony of any witness before a jury of inquest shall not be admissible evidence in any civil or criminal proceeding except:

(a) A criminal trial in which the witness is charged with perjury or false swearing

arising from the testimony given before the jury of inquest.

(b) A civil or criminal trial in which the testimony before the jury of inquest is offered as a prior inconsistent statement to impeach the same witness.

(4) The verdict of a jury of inquest shall not be admitted into evidence in any trial. [1973 c.408 §24]

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

146.180 [Repealed by 1965 c 221 §27]

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

146.200 [Repealed by 1965 c 221 §27]

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

146.220 [Repealed by 1965 c.221 §27]

146.230 [Repealed by 1965 c.221 §27]

146.240 [Repealed by 1965 c.221 §27]

146.250 [Amended by 1953 c.568 §3; repealed by 1965 c 221 §27]

146.260 [Amended by 1953 c 568 §3; repealed by 1965 c.221 §27]

146.270 [Repealed by 1965 c.221 §27]

146.280 [Repealed by 1965 c 221 §27]

146.310 [1965 c.221 §2, 1971 c.487 §3, repealed by 1973 c 408 §35]

146.315 [1971 c.487 §2; repealed by 1973 c.408 §35]

146.320 [1965 c.221 §5; repealed by 1973 c.408 §35]

146.330 [1965 c.221 §3; repealed by 1973 c 408 §35]

146.340 [1965 c.221 §4; repealed by 1973 c.408 §35]

146.350 [1965 c.221 §6, 1971 c.487 §4, repealed by 1973 c.408 §35]

146.360 [1965 c.221 §7; repealed by 1973 c.408 §35]

146.370 [1965 c 221 §8; repealed by 1973 c.408 §35]

146.410 [1959 c 629 §6; 1965 c.221 §16; repealed by 1973 c.408 §35]

146.420 [1959 c.629 §9; 1963 c.98 §1, 1965 c 91 §1; repealed by 1973 c.408 §35]

146.430 [1959 c.629 §11; 1961 c.434 §3; 1965 c 91 §2; repealed by 1973 c.408 §35]

146.440 [1959 c.629 §12; repealed by 1973 c.408 §35]

146.450 [1959 c.629 §13, repealed by 1973 c 408 §35]

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

146.461 [1965 c.91 §4 (enacted in lieu of 146 460), repealed by 1973 c.408 §35]

146.470 [1959 c 629 §15; 1961 c.434 §4; 1965 c.91 §5; repealed by 1973 c.408 §35]

146.480 [1959 c.629 §17; repealed by 1973 c.408 §35]

146.490 [1959 c.629 §18; repealed by 1973 c.408 §35]

146.500 [1959 c.629 §19; repealed by 1973 c.408 §35]

IDENTIFICATION OF DEAD AND MISSING PERSONS

146.505 Unidentified human remains; maintenance of records. (1) The Superintendent of State Police shall establish and maintain a file of records relating to unidentified human remains found within the state and of which the Oregon State Police are notified under ORS 146.515. The records shall be maintained in order to facilitate the identification of such remains.

(2) The Superintendent of State Police shall establish the file described under subsection (1) of this section after consultation with the State Medical Examiner to determine what areas of information generally shall be requested, obtained and preserved in the file. General areas of information determined under this section shall be for the purpose of developing file format and standard forms for collecting data to aid in identifying human remains. Information having potential value in identifying human remains shall not be excluded from a file because it does not fall within a general area of information determined under this section or is not required by federal authorities.

(3) In addition to any other file it maintains, the Department of State Police shall enter appropriate information relating to unidentified human remains into any file maintained by federal authorities to facilitate the identification of such remains. The department shall conform file entries under this subsection to the format prescribed by the authorities responsible for the federal file. [1983 c 390 §1]

Note: 146.505 to 146.545 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 146 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

146.510 [1959 c.629 §20; repealed by 1973 c.408 §35]

146.515 Medical examiner to provide information about unidentified human remains. If a medical examiner is unable to determine the identity of human remains, the medical examiner shall, not later than 30 days after such remains are brought to the medical examiner's attention, notify and provide to the Superintendent of State Police or the superintendent's designee all information in the medical examiner's records concerning the remains. [1983 c.390 §2]

Note: See note under 146.505.

146.520 [1959 c.629 §21; repealed by 1973 c.408 §35]

146.525 Missing persons; police report; supplementary report. (1) When a person is reported as missing to any city, county or state police agency, the agency, within 12 hours thereafter, shall enter into state and federal records maintained for that purpose, a report of the missing person in a format and according to procedures established by the authorities responsible respectively for the state and federal records.

(2) The police agency to which the report is made:

(a) Shall request from the person making the report information likely to be useful in

identifying the missing person or the human remains of the missing person; and

(b) May request in writing from any dentist, denturist, physician, optometrist or other medical practitioner possessing it such medical, dental and other physically descriptive information as is likely to be useful in identifying the missing person or the human remains of the missing person.

(3) The police agency, upon obtaining information pursuant to subsection (2) of this section, shall make a supplementary entry of that information into the state and federal records described in subsection (1) of this section. The supplementary report shall be in a format and according to procedures established by the authorities responsible respectively for the state and federal records. [1983 c.390 §3; 1989 c.1059 §3]

Note: See note under 146 505.

146.530 [1959 c.629 §22; repealed by 1973 c 408 §35]

146.535 Medical practitioners to provide information about missing persons. (1) A dentist, denturist, physician, optometrist or other medical practitioner, upon receipt of a written request from a police agency for identifying information pursuant to ORS 146.525, shall furnish to the police agency such information known to the practitioner upon the request forms provided by the police agency.

(2) Information obtained under this section is restricted to use for the identification of missing persons or the identification of unidentified human remains and shall not otherwise be available to the public.

(3) Compliance with a written request for information under this section by a dentist, denturist, physician, optometrist or other medical practitioner does not constitute a breach of confidentiality. [1983 c 390 §4]

Note: See note under 146 505.

146.540 [1959 c.629 §23; repealed by 1973 c.408 §35]

146.545 Use of records to identify human remains and missing persons; disposition of records. (1) If the Superintendent of State Police is notified that a record of unidentified human remains filed by the Department of State Police under ORS 146.505 corresponds with the record of a person reported to be missing, the superintendent shall immediately notify the medical examiner who reported the unidentified human remains and the police agency that filed the missing person report under ORS 146.525. If the medical examiner identifies the remains, the superintendent shall be notified and the superintendent shall cancel the report of unidentified human remains.

(2) When a person reported as missing under ORS 146.525 is found, or when the remains of the person have been discovered and identified, the police agency to which the person was reported missing shall cancel the reports to state and federal authorities under ORS 146.525. The agency shall destroy all information received under ORS 146.525 relating to a missing person who is discovered to be living. In the case of a missing person found to be no longer living, the agency shall seal the information obtained under ORS 146.525, except as otherwise may be necessary to investigate or prosecute a criminal action relating to the person's disappearance or death. [1983 c 390 §5]

Note: See note under 146 505

146.550 [1959 c 629 §24, repealed by 1973 c.408 §35]

146.560 [1959 c.629 §25; repealed by 1973 c.408 §35]

146.565 [1961 c.434 §2; 1965 c.91 §6; 1965 c.439 §4; repealed by 1973 c.408 §35]

146.570 [1959 c.629 §26; 1967 c.632 §1; repealed by 1973 c.408 §35]

146.580 [1959 c.629 §27; 1961 c.434 §5; 1967 c.632 §2; repealed by 1973 c.408 §35]

146.590 [1959 c 629 §§28, 29; 1961 c.434 §6; 1967 c.632 §3; repealed by 1973 c.408 §35]

146.600 [1959 c.629 §30; repealed by 1973 c.408 §35]

146.610 [1959 c.629 §31; repealed by 1973 c.408 §35]

INVESTIGATIONS OF INJURIES

146.710 Definition for ORS 146.710 to 146.780. As used in ORS 146.710 to 146.780, "injury" means a physical injury caused by a knife, gun, pistol or other deadly weapon. [1963 c.621 §1; 1965 c.472 §1; 1967 c.545 §1; 1971 c.451 §9]

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

146.730 Investigation. An investigation of an injury may be made by a medical examiner whenever the injury occurred under suspicious or unknown circumstances. All authority granted to the medical examiner by ORS 146.003 to 146.165 and 146.710 to 146.992 may be exercised in making such investigation. [1963 c 621 §2; 1965 c.221 §18; 1967 c.545 §§2, 3; 1971 c.401 §7; 1971 c.451 §10; 1973 c.408 §26]

146.740 Reports of medical examiner. Whenever the medical examiner concludes that a crime may have been committed by any person in causing the injury, the medical examiner shall report the conclusion to the district attorney. [1963 c.621 §§5, 6; 1965 c.221 §19, 1967 c.545 §§4, 5; 1971 c.401 §8; 1971 c.451 §11; 1973 c.408 §27]

146.750 Injuries to be reported to medical examiner. (1) Except as required in subsection (3) of this section, any physician, including any intern and resident, having reasonable cause to suspect that a person brought to the physician or coming before the physician for examination, care or treatment has had injury, as defined in ORS 146.710, inflicted upon the person other than by accidental means, 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 examiner.

(3) When either an injury as defined in ORS 146.710 or abuse as defined in ORS 418.740 occurs to an unmarried person who is under 18 years of age, the provisions of ORS 418.740 to 418.775 shall apply. [1965 c 472 §§3, 4, 1967 c.545 §6; 1971 c.401 §9, 1971 c 451 §12, 1973 c.408 §28; 1975 c 644 §1]

146.760 Immunity of participant in making of report. Anyone participating in good faith in the making of a report pursuant to 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; 1971 c.451 §13; 1989 c.171 §20]

146.770 [1965 c.472 §6; 1971 c.451 §14; renumbered 418.775]

146.780 Confidentiality of records and reports. Notwithstanding the provisions of ORS 192.410 to 192.505 relating to confidentiality and accessibility for public inspection of public records, records and reports made under the provisions of ORS 146.750 are confidential and are not accessible for public inspection. [1965 c.472 §7; 1967 c.545 §7; 1971 c.401 §10; 1971 c.451 §15; 1973 c.408 §29; 1973 c.794 §15a]

PENALTIES

146.990 [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; 1971 c.451 §16; repealed by 1973 c.408 §35]

146.992 Penalties. (1) A person who violates ORS 146.103 (1) commits a Class A misdemeanor.

(2) A person who violates ORS 146.103 (2) or (4), 146.107 (5), or 146.121 (1) commits a Class B misdemeanor.

(3) A person who violates ORS 146.100 (4) commits a Class C misdemeanor. [1973 c.408 §25]