

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	2/7, 3/26

WHAT THE MEASURE DOES: Disqualifies a person arrested for or charged with criminal homicide from determining how the remains of the deceased should be handled. Establishes that the decision should be made by the first eligible person listed under ORS 97.130(2).

ISSUES DISCUSSED:

- Under the circumstances cannot wait for a conviction
- The need to make a timely decision concerning disposition of the body

EFFECT OF COMMITTEE AMENDMENT: Removes the reference of “aggravated murder” because it is included within the term “criminal homicide.”

BACKGROUND: ORS 97.130(1) sets forth the process by which a person may, by written signed document, set forth how he or she would like to dispose of his or her remains upon death. If a person has not done this, then ORS 97.130(2) sets forth, in order of priority, who can make the decision. First on the list is a surviving spouse, then a son or a daughter 18 years or older. Last on the list is a public health officer. This leaves unanswered what happens, for example, if one spouse murders the other and then has the right to determine how the deceased person’s remains are to be handled.