

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

Nays: 0

Exc.: 0

Prepared By: Darian Stanford, Counsel

Meeting Dates: 3/12

WHAT THE MEASURE DOES: Gives district attorneys the authority to investigate certain physical injuries caused by knives, guns or other weapons that occurred under suspicious or unknown circumstances, which presently is under authority of medical examiners only. Expands physical injury investigations to include injuries involving "dangerous weapons" as well as any "serious physical injury" regardless of what, if any, specific weapon was involved.

ISSUES DISCUSSED:

- Circumstances in which need for investigation arises

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS chapter 146 gives district attorneys and medical examiners responsibility to investigate "all human deaths." Within this investigative authority is the power to control a crime scene, in large part to ensure the preservation of any relevant evidence. In cases where there is a physical injury but no death, present law gives only the medical examiner (not the district attorney) the authority to investigate if the injury occurred under "suspicious or unknown circumstances" and involved a "knife, gun, pistol or other deadly weapon."

HB 2741 addresses two perceived problems with present law. First, it allows the district attorney (or the medical examiner) to conduct injury investigations. The concern is that, if a crime occurred, there is likely evidence that should be preserved (just as in cases that result in death). The medical examiner's concern in injury cases is to save the victim, not to preserve evidence.

The second perceived problem is that existing law is not broad enough to cover all suspicious injuries. Many crimes or assaults happen through the use of items that are not "deadly weapons" (e.g., hands, rocks, pipes, screwdrivers, etc). HB 2741 broadens the scope of ORS 146.710 to include such circumstances.

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This summary has not been adopted or officially endorsed by action of the committee.