

A-Engrossed
Senate Bill 87

Ordered by the Senate April 14
Including Senate Amendments dated April 14

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires [*mental*] health care provider to cooperate with district medical examiner investigating deaths. **Allows sibling of deceased to examine and obtain copies of certain reports ordered by medical examiner.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to death investigations; creating new provisions; amending ORS 146.035, 146.100 and
3 192.501; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 146.100 is amended to read:

6 146.100. (1) Death investigations shall be under the direction of the district medical examiner
7 and the district attorney for the county where the death occurs.

8 (2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the
9 death shall be deemed to have occurred in the county where the body is found, except that if in an
10 emergency the deceased is moved by conveyance to another county and is dead on arrival, the death
11 shall be deemed to have occurred in the county from which the body was originally removed.

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

14 (a) All deaths requiring investigation; and

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

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

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

22 [*(6) All peace officers, physicians, embalmers, supervisors of penal institutions and supervisors of*
23 *hospitals or institutions caring for the ill or helpless shall cooperate with the medical examiner by*
24 *providing requested medical records, tissue samples and other materials necessary to conduct the death*
25 *investigation and shall make notification of deaths as required by subsection (3) of this section.*]

26 **(6) All peace officers, health care providers as defined in ORS 192.519, supervisors of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **penal institutions and supervisors of hospitals or institutions caring for the ill or helpless**
2 **shall cooperate with the medical examiner by providing a decedent's medical records and**
3 **tissue samples and any other material necessary to conduct the death investigation of the**
4 **decedent and shall make notification of deaths as required by subsection (3) of this section.**
5 **A person who cooperates with the medical examiner in accordance with this subsection does**
6 **not:**

7 (a) **Waive any claim of privilege applicable to, or the confidentiality of, the materials and**
8 **records provided.**

9 (b) **Waive any claim that the materials and records are subject to an exemption from**
10 **disclosure under ORS 192.410 to 192.505.**

11 (7) **Records or materials described in subsection (6) of this section may be released by**
12 **the medical examiner only pursuant to a valid court order.**

13 **SECTION 2.** ORS 192.501, as amended by section 1, chapter 48, Oregon Laws 2008, is amended
14 to read:

15 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
16 unless the public interest requires disclosure in the particular instance:

17 (1) Records of a public body pertaining to litigation to which the public body is a party if the
18 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
19 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
20 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
21 or deposition statutes to a party to litigation or potential litigation.

22 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
23 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
24 compilation of information which is not patented, which is known only to certain individuals within
25 an organization and which is used in a business it conducts, having actual or potential commercial
26 value, and which gives its user an opportunity to obtain a business advantage over competitors who
27 do not know or use it.

28 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
29 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
30 disclosure in the course of a specific investigation, including the need to protect the complaining
31 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
32 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
33 record of an arrest or the report of a crime includes, but is not limited to:

34 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
35 ographical information;

36 (b) The offense with which the arrested person is charged;

37 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

38 (d) The identity of and biographical information concerning both complaining party and victim;

39 (e) The identity of the investigating and arresting agency and the length of the investigation;

40 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

41 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
42 from justice.

43 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
44 employment, academic or other examination or testing procedure before the examination is given
45 and if the examination is to be used again. Records establishing procedures for and instructing

1 persons administering, grading or evaluating an examination or testing procedure are included in
2 this exemption, to the extent that disclosure would create a risk that the result might be affected.

3 (5) Information consisting of production records, sale or purchase records or catch records, or
4 similar business records of a private concern or enterprise, required by law to be submitted to or
5 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
6 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
7 that such information is in a form which would permit identification of the individual concern or
8 enterprise. This exemption does not include records submitted by long term care facilities as defined
9 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
10 tient care. Nothing in this subsection shall limit the use which can be made of such information for
11 regulatory purposes or its admissibility in any enforcement proceeding.

12 (6) Information relating to the appraisal of real estate prior to its acquisition.

13 (7) The names and signatures of employees who sign authorization cards or petitions for the
14 purpose of requesting representation or decertification elections.

15 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
16 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
17 ORS 659A.850.

18 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
19 663.180.

20 (10) Records, reports and other information received or compiled by the Director of the De-
21 partment of Consumer and Business Services under ORS 697.732.

22 (11) Information concerning the location of archaeological sites or objects as those terms are
23 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
24 the need for the information is related to that Indian tribe's cultural or religious activities. This
25 exemption does not include information relating to a site that is all or part of an existing, commonly
26 known and publicized tourist facility or attraction.

27 (12) A personnel discipline action, or materials or documents supporting that action.

28 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
29 564.100, regarding the habitat, location or population of any threatened species or endangered spe-
30 cies.

31 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
32 connection with research, until publicly released, copyrighted or patented.

33 (15) Computer programs developed or purchased by or for any public body for its own use. As
34 used in this subsection, "computer program" means a series of instructions or statements which
35 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
36 manipulation of data from such computer system, and any associated documentation and source
37 material that explain how to operate the computer program. "Computer program" does not include:

38 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

39 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
40 the program; or

41 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
42 the original data were to be produced manually.

43 (16) Data and information provided by participants to mediation under ORS 36.256.

44 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
45 until a final administrative determination is made or, if a citation is issued, until an employer re-

1 ceives notice of any citation.

2 (18) Specific operational plans in connection with an anticipated threat to individual or public
3 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
4 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
5 law enforcement activity.

6 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
7 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
8 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
9 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
10 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
11 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
12 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
13 audit of a cost study that would be discoverable in a contested case proceeding and that is not
14 subject to a protective order; and

15 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
16 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
17 with a telecommunications carrier, as defined in ORS 133.721.

18 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
19 247.967.

20 (21) The following records, communications and information submitted to a housing authority
21 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
22 for and recipients of loans, grants and tax credits:

- 23 (a) Personal and corporate financial statements and information, including tax returns;
- 24 (b) Credit reports;
- 25 (c) Project appraisals;
- 26 (d) Market studies and analyses;
- 27 (e) Articles of incorporation, partnership agreements and operating agreements;
- 28 (f) Commitment letters;
- 29 (g) Project pro forma statements;
- 30 (h) Project cost certifications and cost data;
- 31 (i) Audits;
- 32 (j) Project tenant correspondence requested to be confidential;
- 33 (k) Tenant files relating to certification; and
- 34 (L) Housing assistance payment requests.

35 (22) Records or information that, if disclosed, would allow a person to:

- 36 (a) Gain unauthorized access to buildings or other property;
- 37 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
38 disruption to, or interference with, services; or
- 39 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
40 cessing, communication or telecommunication systems, including the information contained in the
41 systems, that are used or operated by a public body.

42 (23) Records or information that would reveal or otherwise identify security measures, or
43 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
44 protect:

- 45 (a) An individual;

1 (b) Buildings or other property;

2 (c) Information processing, communication or telecommunication systems, including the infor-
3 mation contained in the systems; or

4 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
5 evaluation under ORS 461.180 (6).

6 (24) Personal information held by or under the direction of officials of the Oregon Health and
7 Science University or the Oregon University System about a person who has or who is interested
8 in donating money or property to the university, the system or a state institution of higher educa-
9 tion, if the information is related to the family of the person, personal assets of the person or is
10 incidental information not related to the donation.

11 (25) The home address, professional address and telephone number of a person who has or who
12 is interested in donating money or property to the Oregon University System.

13 (26) Records of the name and address of a person who files a report with or pays an assessment
14 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
15 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

16 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
17 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
18 card expiration date, password, financial institution account number and financial institution routing
19 number.

20 (28) Social Security numbers as provided in ORS 107.840.

21 (29) The electronic mail address of a student who attends a state institution of higher education
22 listed in ORS 352.002 or Oregon Health and Science University.

23 (30) The name, home address, professional address or location of a person that is engaged in,
24 or that provides goods or services for, medical research at Oregon Health and Science University
25 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
26 and Science University press releases, websites or other publications circulated to the general pub-
27 lic.

28 (31)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
29 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
30 eral, the home address and home telephone number of the public safety officer or attorney contained
31 in the voter registration records for the public safety officer or attorney.

32 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
33 telephone number of the public safety officer contained in records of the Department of Public
34 Safety Standards and Training.

35 (32) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
36 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
37 the name of the public safety officer or attorney contained in county real property assessment or
38 taxation records. This exemption:

39 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
40 property in connection with a specific property identified by the officer or attorney in a request for
41 exemption from disclosure;

42 (b) Applies only to records that may be made immediately available to the public upon request
43 in person, by telephone or using the Internet;

44 (c) Applies until the public safety officer or attorney requests termination of the exemption;

45 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for

1 governmental purposes; and

2 (e) May not result in liability for a county if the name of a public safety officer or attorney is
3 disclosed after a request for exemption from disclosure is made under this subsection.

4 (33) Land management plans required for voluntary stewardship agreements entered into under
5 ORS 541.423.

6 **(34) A medical examiner's report, autopsy report or laboratory test report ordered by a
7 medical examiner under ORS 146.117.**

8 **SECTION 3.** ORS 146.035 is amended to read:

9 146.035. (1) There shall be established within the Department of State Police the State Medical
10 Examiner's office for the purpose of directing and supporting the state death investigation program.

11 (2) The State Medical Examiner shall manage all aspects of the State Medical Examiner's pro-
12 gram.

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

15 (4) The State Medical Examiner's office shall:

16 (a) File and maintain appropriate reports on all deaths requiring investigation.

17 (b) Maintain an accurate list of all active district medical examiners, assistant district medical
18 examiners and designated pathologists.

19 (c) Transmit monthly to the Department of Transportation a report for the preceding calendar
20 month of all information obtained under ORS 146.113.

21 **(5) Notwithstanding ORS 192.501 (34):**

22 (a) Any parent, spouse, **sibling**, child or personal representative of the deceased, or any person
23 who may be criminally or civilly liable for the death, or their authorized representatives respec-
24 tively, may examine and obtain copies of any medical examiner's report, autopsy report or labora-
25 tory test report ordered by a medical examiner under ORS 146.117.

26 (b) The system described in ORS 192.517 (1) shall have access to reports described in this sub-
27 section as provided in ORS 192.517.

28 **SECTION 4.** ORS 192.501, as amended by section 3, chapter 455, Oregon Laws 2005, section 7,
29 chapter 608, Oregon Laws 2007, section 2, chapter 687, Oregon Laws 2007, and section 2, chapter
30 48, Oregon Laws 2008, is amended to read:

31 192.501. The following public records are exempt from disclosure under ORS 192.410 to 192.505
32 unless the public interest requires disclosure in the particular instance:

33 (1) Records of a public body pertaining to litigation to which the public body is a party if the
34 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
35 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
36 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
37 or deposition statutes to a party to litigation or potential litigation.

38 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
39 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
40 compilation of information which is not patented, which is known only to certain individuals within
41 an organization and which is used in a business it conducts, having actual or potential commercial
42 value, and which gives its user an opportunity to obtain a business advantage over competitors who
43 do not know or use it.

44 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
45 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay

1 disclosure in the course of a specific investigation, including the need to protect the complaining
2 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
3 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
4 record of an arrest or the report of a crime includes, but is not limited to:

5 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
6 ographical information;

7 (b) The offense with which the arrested person is charged;

8 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

9 (d) The identity of and biographical information concerning both complaining party and victim;

10 (e) The identity of the investigating and arresting agency and the length of the investigation;

11 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

12 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
13 from justice.

14 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
15 employment, academic or other examination or testing procedure before the examination is given
16 and if the examination is to be used again. Records establishing procedures for and instructing
17 persons administering, grading or evaluating an examination or testing procedure are included in
18 this exemption, to the extent that disclosure would create a risk that the result might be affected.

19 (5) Information consisting of production records, sale or purchase records or catch records, or
20 similar business records of a private concern or enterprise, required by law to be submitted to or
21 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
22 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
23 that such information is in a form which would permit identification of the individual concern or
24 enterprise. This exemption does not include records submitted by long term care facilities as defined
25 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
26 tient care. Nothing in this subsection shall limit the use which can be made of such information for
27 regulatory purposes or its admissibility in any enforcement proceeding.

28 (6) Information relating to the appraisal of real estate prior to its acquisition.

29 (7) The names and signatures of employees who sign authorization cards or petitions for the
30 purpose of requesting representation or decertification elections.

31 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
32 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
33 ORS 659A.850.

34 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
35 663.180.

36 (10) Records, reports and other information received or compiled by the Director of the De-
37 partment of Consumer and Business Services under ORS 697.732.

38 (11) Information concerning the location of archaeological sites or objects as those terms are
39 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
40 the need for the information is related to that Indian tribe's cultural or religious activities. This
41 exemption does not include information relating to a site that is all or part of an existing, commonly
42 known and publicized tourist facility or attraction.

43 (12) A personnel discipline action, or materials or documents supporting that action.

44 (13) Information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and
45 564.100, regarding the habitat, location or population of any threatened species or endangered spe-

1 cies.

2 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
3 connection with research, until publicly released, copyrighted or patented.

4 (15) Computer programs developed or purchased by or for any public body for its own use. As
5 used in this subsection, "computer program" means a series of instructions or statements which
6 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
7 manipulation of data from such computer system, and any associated documentation and source
8 material that explain how to operate the computer program. "Computer program" does not include:

9 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

10 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
11 the program; or

12 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
13 the original data were to be produced manually.

14 (16) Data and information provided by participants to mediation under ORS 36.256.

15 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
16 until a final administrative determination is made or, if a citation is issued, until an employer re-
17 ceives notice of any citation.

18 (18) Specific operational plans in connection with an anticipated threat to individual or public
19 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
20 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
21 law enforcement activity.

22 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
23 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
24 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
25 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
26 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
27 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
28 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
29 audit of a cost study that would be discoverable in a contested case proceeding and that is not
30 subject to a protective order; and

31 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
32 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
33 with a telecommunications carrier, as defined in ORS 133.721.

34 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
35 247.967.

36 (21) The following records, communications and information submitted to a housing authority
37 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
38 for and recipients of loans, grants and tax credits:

39 (a) Personal and corporate financial statements and information, including tax returns;

40 (b) Credit reports;

41 (c) Project appraisals;

42 (d) Market studies and analyses;

43 (e) Articles of incorporation, partnership agreements and operating agreements;

44 (f) Commitment letters;

45 (g) Project pro forma statements;

- 1 (h) Project cost certifications and cost data;
- 2 (i) Audits;
- 3 (j) Project tenant correspondence requested to be confidential;
- 4 (k) Tenant files relating to certification; and
- 5 (L) Housing assistance payment requests.
- 6 (22) Records or information that, if disclosed, would allow a person to:
- 7 (a) Gain unauthorized access to buildings or other property;
- 8 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
- 9 disruption to, or interference with, services; or
- 10 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
- 11 cessing, communication or telecommunication systems, including the information contained in the
- 12 systems, that are used or operated by a public body.
- 13 (23) Records or information that would reveal or otherwise identify security measures, or
- 14 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
- 15 protect:
- 16 (a) An individual;
- 17 (b) Buildings or other property;
- 18 (c) Information processing, communication or telecommunication systems, including the infor-
- 19 mation contained in the systems; or
- 20 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
- 21 evaluation under ORS 461.180 (6).
- 22 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 23 Science University or the Oregon University System about a person who has or who is interested
- 24 in donating money or property to the university, the system or a state institution of higher educa-
- 25 tion, if the information is related to the family of the person, personal assets of the person or is
- 26 incidental information not related to the donation.
- 27 (25) The home address, professional address and telephone number of a person who has or who
- 28 is interested in donating money or property to the Oregon University System.
- 29 (26) Records of the name and address of a person who files a report with or pays an assessment
- 30 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 31 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 32 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 33 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 34 card expiration date, password, financial institution account number and financial institution routing
- 35 number.
- 36 (28) Social Security numbers as provided in ORS 107.840.
- 37 (29) The electronic mail address of a student who attends a state institution of higher education
- 38 listed in ORS 352.002 or Oregon Health and Science University.
- 39 (30)(a) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney,
- 40 by a deputy district attorney or by an assistant attorney general designated by the Attorney Gen-
- 41 eral, the home address and home telephone number of the public safety officer or attorney contained
- 42 in the voter registration records for the public safety officer or attorney.
- 43 (b) If requested by a public safety officer, as defined in ORS 181.610, the home address and home
- 44 telephone number of the public safety officer contained in records of the Department of Public
- 45 Safety Standards and Training.

1 (31) If requested by a public safety officer, as defined in ORS 181.610, by a district attorney, by
2 a deputy district attorney or by an assistant attorney general designated by the Attorney General,
3 the name of the public safety officer or attorney contained in county real property assessment or
4 taxation records. This exemption:

5 (a) Applies only to the name of the public safety officer or attorney and any other owner of the
6 property in connection with a specific property identified by the officer or attorney in a request for
7 exemption from disclosure;

8 (b) Applies only to records that may be made immediately available to the public upon request
9 in person, by telephone or using the Internet;

10 (c) Applies until the public safety officer or attorney requests termination of the exemption;

11 (d) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
12 governmental purposes; and

13 (e) May not result in liability for a county if the name of a public safety officer or attorney is
14 disclosed after a request for exemption from disclosure is made under this subsection.

15 (32) Land management plans required for voluntary stewardship agreements entered into under
16 ORS 541.423.

17 **(33) A medical examiner's report, autopsy report or laboratory test report ordered by a
18 medical examiner under ORS 146.117.**

19 **SECTION 5.** ORS 146.035, as amended by section 3 of this 2009 Act, is amended to read:

20 146.035. (1) There shall be established within the Department of State Police the State Medical
21 Examiner's office for the purpose of directing and supporting the state death investigation program.

22 (2) The State Medical Examiner shall manage all aspects of the State Medical Examiner's pro-
23 gram.

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

26 (4) The State Medical Examiner's office shall:

27 (a) File and maintain appropriate reports on all deaths requiring investigation.

28 (b) Maintain an accurate list of all active district medical examiners, assistant district medical
29 examiners and designated pathologists.

30 (c) Transmit monthly to the Department of Transportation a report for the preceding calendar
31 month of all information obtained under ORS 146.113.

32 (5) Notwithstanding ORS 192.501 [(34)] **(33)**:

33 (a) Any parent, spouse, sibling, child or personal representative of the deceased, or any person
34 who may be criminally or civilly liable for the death, or their authorized representatives respec-
35 tively, may examine and obtain copies of any medical examiner's report, autopsy report or labora-
36 tory test report ordered by a medical examiner under ORS 146.117.

37 (b) The system described in ORS 192.517 (1) shall have access to reports described in this sub-
38 section as provided in ORS 192.517.

39 **SECTION 6. The amendments to ORS 146.035 by section 5 of this 2009 Act become oper-
40 ative January 2, 2010.**

41 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
43 on its passage.**