

# D R A F T

## SUMMARY

Digest: This Act changes laws related to what government must do after a person dies in some situations. (Flesch Readability Score: 60.1).

Directs law enforcement, prior to making any findings as to the cause or manner of death where the decedent is suspected to have died from suicide, overdose or accident, to interview family members of the decedent if the decedent has a history as a victim of domestic violence or child abuse and certain conditions exist.

Requires law enforcement to submit a written request to the district medical examiner for the performance of an autopsy if a reasonable basis exists that the death of the decedent may be the result of domestic violence or child abuse.

Directs a medical examiner or district attorney to order the performance of an autopsy in certain circumstances.

Provides that certain individuals may examine and obtain copies of evidence generated during an autopsy or investigation of death.

Requires law enforcement to provide notice of rights to certain members of the decedent's family upon opening an investigation of death that is suspected to have been caused by suicide, overdose or accident.

## A BILL FOR AN ACT

Relating to scrutinizing death; creating new provisions; and amending ORS 146.003, 146.035 and 146.117.

Whereas in some suspicious death cases the decedent has a history as a victim of domestic violence or child abuse and the manner of death is prematurely determined to be suicide or accident without a comprehensive investigation into the circumstances of death; and

Whereas homicides related to domestic violence or child abuse are susceptible to staging or alteration of the death scene before investigators can conduct a scene investigation; and

**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.

Whereas staged or altered death scenes compromise the ability of investigators to evaluate the manner of death and may impede the responsibility of the medical examiner to perform an autopsy; and

Whereas research has identified 10 red flags in suspicious death cases involving a decedent with a history as a victim of domestic violence that can improve the ability of investigators to ensure complete investigations and accurate determinations of the manner of death; and

Whereas federal law provides family members of homicide victims the right to obtain information, access victim services and request an independent review of initial findings or the investigation of the death of a family member in case under federal jurisdiction; and

Whereas it is the intent of the Legislative Assembly to provide victim services and support to family members in suspicious death cases and to support family members who seek a second opinion on the death of their loved one whenever practicable at no cost to any public agency; now, therefore,

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

## DEFINITIONS

**SECTION 1.** ORS 146.003 is amended to read:

146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires otherwise:

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

(2) “Assistant district medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 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) “District medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 appointed by the Chief Medical Examiner to investigate and certify deaths within a county or district, including a Deputy State Medical Examiner.

(6) “Law enforcement agency” means a county sheriff’s office, municipal police department, police department established by a university under ORS 352.121 or 353.125 and the Oregon State Police.

(7) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and other legal use of force resulting in death.

(8) “Manner of death” means the designation of the probable mode of production of the cause of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

(9) “Medical examiner” means a physician licensed under ORS chapter 677, physician associate licensed under ORS 677.505 to 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390 appointed as provided by ORS 146.003 to 146.189 to investigate and certify the cause and manner of deaths requiring investigation, including the Chief Medical Examiner.

(10) “Medical-legal death investigator” means a person appointed by the district medical examiner to assist in the investigation of deaths within a county.

**(11) “Partner” means a decedent’s spouse, former spouse, cohabitant, former cohabitant, parent of the decedent’s child or any individual with whom the decedent had a romantic relationship or engagement for marriage.**

~~[(11)]~~ (12) “Pathologist” means a physician licensed under ORS chapter 677 who is eligible for certification by the American Board of Pathology, or

its successor organization, as approved by the State Medical Examiner Advisory Board.

[(12)] (13) "Unidentified human remains" does not include human remains that are unidentified human remains that are part of an archaeological site or suspected of being Native American and covered under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

## **LAW ENFORCEMENT INVESTIGATION OF SUSPICIOUS DEATHS; MANDATORY FAMILY INTERVIEWS AND AUTOPSY REQUESTS**

**SECTION 2.** Section 3 of this 2026 Act is added to and made a part of ORS 146.003 to 146.189.

**SECTION 3.** (1) If a decedent who is suspected to have died from suicide, overdose or accident has previously been identified as a victim of domestic violence or actual or suspected child abuse in police reports, reports made to or by government agencies, writings or photographs, restraining order declarations, eyewitness statements or other evidence, an investigator or officer employed by a law enforcement agency shall, prior to making any findings as to the cause or manner of death, interview family members of the decedent who have information relevant to the domestic violence or child abuse upon the occurrence of three or more of the following conditions:

(a) The decedent died prematurely or in an untimely manner.

(b) The scene of death suggests the appearance of death by suicide, overdose or accident.

(c) The decedent was in a romantic relationship in which the decedent or the partner wanted the relationship to end.

(d) The decedent has a history as a victim of domestic violence, including coercive control.

(e) The decedent is a minor child with a history as a victim of child abuse, or the subject of a report of suspected child abuse, within the

1 past 12 months and was found by a parent, guardian or caregiver who  
2 is the perpetrator or alleged perpetrator of such abuse.

3 (f) The decedent is found dead in a home or place of residence.

4 (g) The decedent is found by the partner.

5 (h) The decedent has a history as a victim of domestic violence,  
6 including strangulation or suffocation.

7 (i) The decedent is last seen alive by the partner, the child of the  
8 decedent, the child of the partner or, if the decedent is a minor child  
9 as described in paragraph (e) of this subsection, the child's parent,  
10 guardian or caregiver who was the perpetrator or alleged perpetrator  
11 of such abuse.

12 (j) The partner had control of the scene of death before law  
13 enforcement arrived or, if the decedent is a minor child as described  
14 in paragraph (e) of this subsection, the child's parent, guardian or  
15 caregiver who was the perpetrator or alleged perpetrator of such abuse  
16 had control of the scene of death before law enforcement arrived.

17 (k) The body of the decedent has been moved from the location  
18 where death occurred or the scene of death or other evidence other-  
19 wise appears altered.

20 (2) If an investigator or officer employed by a law enforcement  
21 agency determines a reasonable basis exists to suspect that the death  
22 of a decedent, as described in subsection (1) of this section, may be the  
23 result of domestic violence or child abuse, the investigator or officer  
24 shall submit a written request to the district medical examiner for the  
25 county where the death occurred for the performance of an autopsy  
26 under ORS 146.117.

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28 **AUTOPSIES**  
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30 **SECTION 4.** ORS 146.117 is amended to read:

31 146.117. (1)(a) A medical examiner or district attorney may order an

1 autopsy performed in any death requiring investigation. This authorization  
2 for an autopsy shall permit the pathologist to remove and retain body tissues  
3 or organs from the deceased for the purpose of the legal or medical deter-  
4 mination of the manner or cause of death, or other purposes approved under  
5 policies established by the State Medical Examiner Advisory Board.

6 **(b) Notwithstanding paragraph (a) of this subsection, a medical ex-**  
7 **aminer or district attorney shall order the performance of an autopsy**  
8 **in any death upon receipt of a written request as described in section**  
9 **3 (2) of this 2026 Act or, if the death appears to be due to suicide,**  
10 **overdose or accident, upon the occurrence of three or more of the**  
11 **following conditions:**

12 **(A) The decedent died prematurely or in an untimely manner.**

13 **(B) The scene of death suggests the appearance of death by suicide,**  
14 **overdose or accident.**

15 **(C) The decedent was in a romantic relationship in which the**  
16 **decedent or the partner wanted the relationship to end.**

17 **(D) The decedent has a history as a victim of domestic violence,**  
18 **including coercive control.**

19 **(E) The decedent is a minor child with a history as a victim of child**  
20 **abuse, or the subject of a report of suspected child abuse, within the**  
21 **past 12 months and was found by a parent, guardian or caregiver who**  
22 **is the perpetrator or alleged perpetrator of such abuse.**

23 **(F) The decedent is found dead in a home or place of residence.**

24 **(G) The decedent is found by the partner.**

25 **(H) The decedent has a history as a victim of domestic violence,**  
26 **including strangulation or suffocation.**

27 **(I) The decedent is last seen alive by the partner, the child of the**  
28 **decedent, the child of the partner or, if the decedent is a minor child**  
29 **as described in subparagraph (E) of this paragraph, the child's parent,**  
30 **guardian or caregiver who was the perpetrator or alleged perpetrator**  
31 **of such abuse.**

1       **(J) The partner had control of the scene of death before law**  
2 **enforcement arrived or, if the decedent is a minor child as described**  
3 **in subparagraph (E) of this paragraph, the child's parent, guardian or**  
4 **caregiver who was the perpetrator or alleged perpetrator of such abuse**  
5 **had control of the scene of death before law enforcement arrived.**

6       **(K) The body of the decedent has been moved from the location**  
7 **where death occurred or the scene of death or other evidence other-**  
8 **wise appears altered.**

9       (2) If an autopsy is ordered, the medical examiner shall obtain the ser-  
10 vices of a pathologist authorized under ORS 146.045 (2)(b).

11       (3) A pathologist may not receive compensation for performing the  
12 autopsy if, as medical examiner, the pathologist ordered the autopsy.

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14                   **RIGHT TO EXAMINE RECORDS**  
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16       **SECTION 5.** ORS 146.035 is amended to read:

17       146.035. (1) There is established within the Department of State Police the  
18 Office of the Chief Medical Examiner for the purpose of directing and sup-  
19 porting the state death investigation program.

20       (2) The Chief Medical Examiner shall manage all aspects of the Office  
21 of the Chief Medical Examiner's program.

22       (3) Subject to the State Personnel Relations Law, the Chief Medical Ex-  
23 aminer may employ or discharge other personnel of the Office of the Chief  
24 Medical Examiner.

25       (4) The Office of the Chief Medical Examiner shall:

26       (a) File and maintain appropriate reports on all deaths requiring investi-  
27 gation.

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

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

(5) Notwithstanding ORS 192.345 (36) **and 192.355 (2)(b):**

(a) Any parent, spouse, sibling, 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:

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

(B) Photographs, images, negatives, prints or video, including body camera video, of the body, or any portion of the body, of the deceased generated during an autopsy by a designated pathologist or investigation by a district medical examiner, assistant district medical examiner, medical-legal death investigator or employee of a law enforcement agency.

(b)(A) Except as provided in subparagraph (B) of this paragraph, if a law enforcement agency or medical examiner finds that the manner of death is not homicide and closes the case, any parent, spouse, sibling, child or personal representative of the deceased may examine and obtain without undue delay copies of any evidence or records related to the deceased's case in the custody of the law enforcement agency or medical examiner for the purpose of seeking an independent review of the manner and cause of death.

(B) Subparagraph (A) of this paragraph does not:

(i) Require a law enforcement agency to provide evidence or records if providing such evidence or records would compromise a pending investigation.

(ii) Affect the lawful discretion provided to a law enforcement agency to carry out investigations of death.

(iii) Impose any liability on a law enforcement agency in relation to the investigation of deaths.

(iv) Require a law enforcement agency or other public body to cover the cost of an independent review of the manner and cause of death.



1        [(b)] (c) The system described in ORS 192.517 (1) shall have access to re-  
2 ports described in this subsection as provided in ORS 192.517.

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4                    **NOTICE OF RIGHTS TO DECEDENT'S FAMILY**

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6        **SECTION 6.** Section 7 of this 2026 Act is added to and made a part  
7 of ORS 146.003 to 146.189.

8        **SECTION 7.** (1) Upon opening an investigation into the death of a  
9 decedent who is suspected to have died from suicide, overdose or ac-  
10 cident, a law enforcement agency shall provide written notice to  
11 known members of the decedent's family of the law and procedure for:

12        (a) Family members to obtain evidence or records under ORS  
13 146.035.

14        (b) A medical examiner or district attorney to order an autopsy  
15 under ORS 146.117.

16        (c) A district attorney to order an inquest under ORS 146.135.

17        (d) A law enforcement agency to determine whether family mem-  
18 bers of the decedent must be interviewed under section 3 of this 2026  
19 Act.

20        (2) If a decedent who is suspected to have died from suicide, over-  
21 dose or accident has previously been identified as a victim of domestic  
22 violence or actual or suspected child abuse in police reports, reports  
23 made to or by government agencies, writings or photographs, re-  
24 straining order declarations, eyewitness statements or other evidence,  
25 a law enforcement agency shall provide the written notice required  
26 under subsection (1) of this section to:

27        (a) At least one parent, sibling over the age of 18 or other family  
28 member of the decedent who was not the perpetrator or alleged  
29 perpetrator of the domestic violence or child abuse; and

30        (b) Any family member of the decedent, upon request, who was not  
31 the perpetrator or alleged perpetrator of the domestic violence or child

abuse.

### APPLICABILITY

**SECTION 8.** Sections 3 and 7 of this 2026 Act and the amendments to ORS 146.003, 146.035 and 146.117 by sections 1, 4 and 5 of this 2026 Act apply to deaths occurring on or after the effective date of this 2026 Act.

### CAPTIONS

**SECTION 9.** The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

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