

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 240

Representatives Huffman, Johnson, T.

**Cosponsors: Representatives Hambley, Sweeney, Becker, Grossman, Blessing,
Green, Sprague, Hill**

A BILL

To amend sections 9.15, 313.01, 313.02, 313.04, 1
313.05, 313.14, 313.161, and 325.15 and to 2
repeal section 313.141 of the Revised Code to 3
define the legal residence of a dead person for 4
purposes of the body's disposal; to recognize 5
that coroners include medical examiners; to 6
change the qualifications for holding office as 7
a coroner of a charter county; to require, under 8
certain conditions, and to authorize, under 9
other conditions, supplemental compensation for 10
coroners who are forensic pathologists; to 11
revise how the office of coroner is filled when 12
a vacancy cannot be filled by election or 13
appointment; to specify the disposition of a 14
firearm when a person meets death under certain 15
circumstances; to specify who pays for the 16
autopsy of an inmate of a state correctional 17
facility; and to make other changes to the 18
coroners' law. 19

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.15, 313.01, 313.02, 313.04, 20
313.05, 313.14, 313.161, and 325.15 of the Revised Code be 21
amended to read as follows: 22

Sec. 9.15. As used in this section, "legal residence" 23
means a permanent place of abode used or occupied as living 24
quarters at the time of a person's death, including a nursing 25
home, hospital, or other care facility. 26

When the body of a dead person is found in a township or 27
municipal corporation, and such person was not an inmate of a 28
correctional, benevolent, or charitable institution of this 29
state, and the body is not claimed by any person for private 30
interment or cremation at the person's own expense, or delivered 31
for the purpose of medical or surgical study or dissection in 32
accordance with section 1713.34 of the Revised Code, it shall be 33
disposed of as follows: 34

(A) If the person was a legal resident of the county, the 35
proper officers of the township or municipal corporation in 36
which the person's body was found shall cause it to be buried or 37
cremated at the expense of the township or municipal corporation 38
in which the person had a legal residence at the time of death. 39

(B) If the person had a legal residence in any other 40
county of the state at the time of death, the superintendent of 41
the county home of the county in which such body was found shall 42
cause it to be buried or cremated at the expense of the township 43
or municipal corporation in which the person had a legal 44
residence at the time of death. 45

(C) If the person was an inmate of a correctional 46
institution of the county or a patient or resident of a 47
benevolent institution of the county, the person had no legal 48

residence in the state, or the person's legal residence is 49
unknown, the superintendent shall cause the person to be buried 50
or cremated at the expense of the county. 51

Such officials shall provide, at the grave of the person 52
or, if the person's cremated remains are buried, at the grave of 53
the person's cremated remains, a metal, stone, or concrete 54
marker on which the person's name and age, if known, and date of 55
death shall be inscribed. 56

A political subdivision is not relieved of its duty to 57
bury or cremate a person at its expense under this section when 58
the body is claimed by an indigent person. As used in this 59
section, "indigent person" means a person whose income does not 60
exceed one hundred fifty per cent of the federal poverty line, 61
as revised annually by the United States department of health 62
and human services in accordance with section 673(2) of the 63
"Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 64
U.S.C. 9902, as amended, for a family size equal to the size of 65
the person's family. 66

Sec. 313.01. (A) A coroner shall be elected quadrennially 67
in each county, who shall hold ~~his~~ office for a term of four 68
years, beginning on the first Monday of January next after ~~his~~ 69
election. 70

(B) As used in the Revised Code, unless the context 71
otherwise requires, ~~"coroner"~~: 72

(1) "Coroner" means the coroner or medical examiner of the 73
county in which death occurs or the dead human body is found. 74

(2) "Deputy coroner" means the deputy coroner or deputy 75
medical examiner of the county in which death occurs or the dead 76
human body is found. 77

Sec. 313.02. ~~(A) No (1) Except as provided in division (A)~~ 78
~~(2) of this section, no person shall be eligible to the office~~ 79
of coroner except a physician who has been licensed to practice 80
as a physician in this state for a period of at least two years 81
immediately preceding election or appointment as a coroner, and 82
who is in good standing in the person's profession, ~~or is a~~ 83
~~person who was serving as coroner on October 12, 1945.~~ 84

(2) No person shall be eligible to the office of coroner 85
of a charter county except a physician who is licensed to 86
practice as a physician in this state and who is in good 87
standing in the person's profession. 88

(B) (1) Beginning in calendar year 2000 and in each fourth 89
year thereafter, each newly elected coroner, after the general 90
election but prior to commencing the term of office to which 91
elected, shall attend and successfully complete sixteen hours of 92
continuing education at programs sponsored by the Ohio state 93
coroners association. Within ninety days after appointment to 94
the office of coroner under section 305.02 of the Revised Code, 95
the newly appointed coroner shall attend and successfully 96
complete sixteen hours of continuing education at programs 97
sponsored by the association. Hours of continuing education 98
completed under the requirement described in division (B) (1) of 99
this section shall not be counted toward fulfilling the 100
continuing education requirement described in division (B) (2) of 101
this section. 102

As used in division (B) (1) of this section, "newly elected 103
coroner" means a person who did not hold the office of coroner 104
on the date the person was elected coroner. 105

(2) Except as otherwise provided in division (B) (2) of 106
this section, beginning in calendar year 2001, each coroner, 107

during the coroner's four-year term, shall attend and 108
successfully complete thirty-two hours of continuing education 109
at programs sponsored by the Ohio state coroners association. 110
Except as otherwise provided in division (B) (2) of this section, 111
each coroner shall attend and successfully complete twenty-four 112
of these thirty-two hours at statewide meetings, and eight of 113
these thirty-two hours at regional meetings, sponsored by the 114
association. The association may approve attendance at 115
continuing education programs it does not sponsor but, if 116
attendance is approved, successful completion of hours at these 117
programs shall be counted toward fulfilling only the twenty- 118
four-hour requirement described in division (B) (2) of this 119
section. 120

(3) Upon successful completion of a continuing education 121
program required by division (B) (1) or (2) of this section, the 122
person who successfully completes the program shall receive from 123
the association or the sponsoring organization a certificate 124
indicating that the person successfully completed the program. 125

Sec. 313.04. When the coroner is absent temporarily from 126
the county, or when on duty with the armed services of the 127
United States, the state militia, or the American red cross, or 128
when unable to discharge the duties of ~~his~~ the office of 129
coroner, such coroner may appoint a person with the necessary 130
qualifications to act as coroner during such absence, service, 131
or disability. 132

When there is a vacancy in the coroner's office as a 133
result of death or resignation and the vacancy cannot be filled 134
by election or appointment as provided in section 305.02 of the 135
Revised Code, or if no one runs for the office of coroner and, 136
for that reason, the office is vacant, the board of county 137

commissioners may contract with another county's coroner to 138
exercise the powers and perform the acts, duties, or functions 139
of the coroner. In addition to the applicable amounts of 140
compensation specified in sections 325.15 and 325.18 of the 141
Revised Code, the coroner with whom the board contracts may 142
receive a supplemental payment for services rendered. The 143
duration of the contract shall not extend beyond the last day of 144
the term for which there was a vacancy. 145

Sec. 313.05. (A) (1) The coroner may appoint, in writing, 146
deputy coroners, who shall be licensed physicians of good 147
standing in their profession, one of whom may be designated as 148
the chief deputy coroner. The coroner also may appoint 149
pathologists as deputy coroners, who may perform autopsies, make 150
pathological and chemical examinations, and perform other duties 151
as directed by the coroner or recommended by the prosecuting 152
attorney. The coroner may appoint any necessary technicians. 153

The coroner may contract for the services of deputy 154
coroners to aid the coroner in the execution of the coroner's 155
powers and duties. Contracts for the services of deputy coroners 156
are exempt from any competitive bidding requirements of the 157
Revised Code. 158

(2) The coroner may appoint, in writing, one or more 159
secretaries and an official stenographer, who shall record the 160
testimony of witnesses in attendance upon the coroner's inquest, 161
preserve and file properly indexed records of all official 162
reports, acts, and communications of the office, and perform 163
other services as required by the coroner. 164

(3) The coroner may appoint clerks, stenographers, 165
custodians, and investigators and shall define their duties. 166

(4) For the performance of their duties, deputy coroners, pathologists serving as deputy coroners, and technicians, stenographers, secretaries, clerks, custodians, and investigators shall receive salaries fixed by the coroner and payable from the county treasury upon the warrant of the county auditor. The compensation shall not exceed, in the aggregate, the amount fixed by the board of county commissioners for the coroner's office.

(B) (1) A coroner may appoint, as a deputy coroner, as a pathologist serving as a deputy coroner, or as a technician, stenographer, secretary, clerk, custodian, investigator, or other employee a person who is an associate of, or who is employed by, the coroner or a deputy coroner in the private practice of medicine in a partnership, professional association, or other medical business arrangement. ~~A coroner~~

(2) A coroner may appoint, as an investigator, a deputy sheriff within the county or a law enforcement officer of a political subdivision located within the county. The deputy sheriff or law enforcement officer appointed as an investigator may receive compensation for services performed as an investigator in addition to any other compensation allowed by law.

Sec. 313.14. (A) The coroner shall notify any known relatives of a deceased person who meets death in the manner described by section 313.12 of the Revised Code by letter or otherwise. The next of kin, other relatives, or friends of the deceased person, in the order named, shall have prior right as to disposition of the body of such deceased person. If relatives of the deceased are unknown, the coroner shall make a diligent effort to ascertain the next of kin, other relatives, or friends

of the deceased person. The coroner shall take charge and 197
possession of all moneys, clothing, and other valuable personal 198
effects of such deceased person, found in connection with or 199
pertaining to such body, and shall store such possessions in the 200
county coroner's office or such other suitable place as is 201
provided for such storage by the board of county commissioners. 202
If the coroner considers it advisable, ~~he the coroner~~ may, after 203
taking adequate precautions for the security of such 204
possessions, store the possessions where ~~he the coroner~~ finds 205
them until other storage space becomes available. ~~After~~ 206

(B) In cases in which the cost of the burial is paid by 207
the county, after using such of the clothing as is necessary in 208
the burial of the body, ~~in case the cost of the burial is paid~~ 209
~~by the county,~~ the coroner shall sell at public auction the 210
valuable personal effects of such deceased persons, found in 211
connection with or pertaining to the unclaimed dead body, except 212
firearms, which shall be disposed of as provided ~~by~~ in division 213
(C) of this section ~~313.141 of the Revised Code, and he.~~ The 214
coroner shall make a verified inventory of such effects. ~~Such~~ 215
~~effects~~ and they shall be sold within eighteen months after 216
burial, or after delivery of such body in accordance with 217
section 1713.34 of the Revised Code. All moneys derived from 218
such sale shall be deposited in the county treasury. A notice of 219
such sale shall be given in one newspaper of general circulation 220
in the county, for five days in succession, and the sale shall 221
be held immediately thereafter. The cost of such advertisement 222
and notices shall be paid by the board upon the submission of a 223
verified statement therefor, certified to the coroner. 224

(C) A coroner shall deliver to the following person any 225
firearm found in the personal effects of a deceased person who 226
meets death in the manner described by section 313.12 of the 227

Revised Code: 228

(1) If the firearm is needed as evidence, the coroner shall deliver the firearm to the police chief of the municipal corporation in which the body is found, or to the sheriff of the county, if the body is not found in a municipal corporation. The law enforcement officer to whom the firearm is delivered shall give the coroner a receipt for the firearm that states the date of delivery and an accurate description of the firearm. 229
230
231
232
233
234
235

(2) If the firearm is not delivered under division (C)(1) of this section, the coroner shall deliver the firearm to the appointed and qualified administrator or executor of the deceased person's estate in accordance with section 313.22 of the Revised Code. 236
237
238
239
240

(D) This section does not invalidate section 1713.34 of the Revised Code. 241
242

Sec. 313.161. (A) Whenever an autopsy is performed, and the injury causing death occurred within the boundaries of a county other than the one in which the autopsy was performed, such other county shall pay the costs of the autopsy. The cost of such autopsy shall be no greater than the actual value of the services of the technicians and materials used. Money derived from the fees paid for such autopsies shall be credited to the coroner's laboratory fund created in section 313.16 of the Revised Code. 243
244
245
246
247
248
249
250
251

(B)(1) Whenever an autopsy is performed, and the person who died was an inmate of a state correctional facility, the department of rehabilitation and correction or the department of youth services, as appropriate, shall pay the costs of the autopsy. The costs of the autopsy shall be no greater than the 252
253
254
255
256

actual value of the transportation of the body, services of the 257
technicians, and the facilities and materials used. Money 258
derived from the fees paid for such autopsies shall be credited 259
to the coroner's laboratory fund created in section 313.16 of 260
the Revised Code. 261

(2) As used in this division, "state correctional 262
facility" means a "state correctional institution," as defined 263
in section 2967.01 of the Revised Code, a state correctional 264
institution that is privately operated and managed pursuant to 265
section 9.06 of the Revised Code, and an "institution," as 266
defined in section 5139.01 of the Revised Code. 267

Sec. 325.15. (A) Each coroner shall be classified, for 268
salary purposes, according to the population of the county. All 269
coroners shall receive annual compensation in accordance with 270
the following schedules and in accordance with section 325.18 of 271
the Revised Code: 272

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 273

~~FOR CALENDAR YEAR 2000 FOR~~ 274

~~CORONERS WITH A PRIVATE PRACTICE~~ 275

Class	Population Range	Compensation	
-- 1	1 - 20,000	\$16,628	277
-- 2	20,001 - 40,000	18,293	278
-- 3	40,001 - 55,000	20,786	279
-- 4	55,001 - 70,000	23,280	280
-- 5	70,001 - 85,000	25,774	281
-- 6	85,001 - 95,000	31,595	282

7	95,001 - 105,000	34,089	283
8	105,001 - 125,000	36,584	284
9	125,001 - 175,000	39,909	285
10	175,001 - 275,000	42,404	286
11	275,001 - 400,000	49,054	287
12	400,001 - 600,000	52,380	288
13	600,001 - 1,000,000	55,706	289
14	Over 1,000,000	59,032	290

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 291

~~FOR CALENDAR YEAR 2000 FOR~~ 292

~~CORONERS WITHOUT A PRIVATE PRACTICE~~ 293

Class	Population Range	Compensation	294
10	175,001 - 275,000	\$95,815	295
11	275,001 - 400,000	95,815	296
12	400,001 - 600,000	95,815	297
13	600,001 - 1,000,000	95,815	298
14	Over 1,000,000	95,815	299

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 300

~~FOR CALENDAR YEAR 2001 FOR~~ 301

~~CORONERS WITH A PRIVATE PRACTICE~~ 302

Class	Population Range	Compensation	303
1	1 - 20,000	\$18,842	304

2	20,001 - 35,000	21,410	305
3	35,001 - 55,000	23,978	306
4	55,001 - 95,000	35,112	307
5	95,001 - 200,000	43,676	308
6	200,001 - 400,000	53,951	309
7	400,001 - 1,000,000	60,803	310
8	1,000,001 or more	64,451	311

CLASSIFICATION AND COMPENSATION SCHEDULE 312

FOR CALENDAR YEAR 2001 FOR 313

CORONERS WITHOUT A PRIVATE PRACTICE 314

Class	Population Range	Compensation	315
5	175,001 - 200,000	\$98,689	316
6	200,001 - 400,000	98,689	317
7	400,001 - 1,000,000	101,085	318
8	1,000,001 or more	103,480	319

(B) (1) A coroner in a county with a population of one 320
hundred seventy-five thousand one or more shall not engage in 321
the private practice of medicine unless, before taking office, 322
the coroner notifies the board of county commissioners of the 323
intention to engage in that private practice. A 324

~~A coroner in such a county with a population of one~~ 325
~~hundred seventy five thousand one or more shall elect to engage~~ 326
or not to engage in the private practice of medicine before the 327
commencement of each new term of office, ~~and a~~. A coroner in 328
such a county who engages in the private practice of medicine, l 329

but who intends not to engage in the private practice of 330
medicine during the coroner's next term of office, shall so 331
notify the board of county commissioners as specified in this 332
division. For a period of six months after taking office, a 333
coroner who elects not to engage in the private practice of 334
medicine may engage in the private practice of medicine, without 335
any reduction of ~~the salary~~ compensation as provided in division 336
(A) of this section and in section 325.18 of the Revised Code, 337
for the purpose of concluding the affairs of the coroner's 338
private practice of medicine. 339

(2) A coroner in a county with a population of one hundred 340
seventy-five thousand one or more who elects not to engage in 341
the private practice of medicine under division (B)(1) of this 342
section may, during the coroner's term of office, elect to 343
engage in the private practice of medicine by notifying the 344
board in writing of the intention to so engage. The notice shall 345
state the date on which the coroner will commence the private 346
practice of medicine and shall be given to the board at least 347
thirty days before that date. On the date stated in the notice, 348
the coroner's compensation shall be reduced as provided in 349
division (A) of this section and in section 325.18 of the 350
Revised Code for coroners with a private practice. 351

(C) Each coroner who is the coroner in a county with a 352
population of one hundred seventy-five thousand one or more and 353
who is without a private practice of medicine shall receive 354
supplemental compensation of an additional fifty per cent of the 355
annual compensation calculated under division (A) of this 356
section and section 325.18 of the Revised Code in each calendar 357
year in which the office of the coroner satisfies all of the 358
following: 359

(1) The office operates as a regional forensic pathology examination referral center, and the operation generates coroner's laboratory fund income, for purposes of section 313.16 of the Revised Code, that is in excess of the fund's expenses and is sufficient to provide the supplemental compensation specified in division (C) of this section; 360
361
362
363
364
365

(2) The coroner is a forensic pathologist certified by the American board of pathology; and 366
367

(3) The coroner performs a minimum of seventy-five post mortem examinations annually. 368
369

(D) Each coroner who is the coroner in a county with a population of one hundred seventy-five thousand one or more and who is without a private practice of medicine and does not operate a regional forensic pathology examination referral center may, on approval of the board of county commissioners, receive supplemental compensation of up to an additional twenty-five per cent of the annual compensation calculated under division (A) of this section and section 325.18 of the Revised Code in each calendar year in which the coroner is a forensic pathologist certified by the American board of pathology and is performing the forensic examinations of the county. 370
371
372
373
374
375
376
377
378
379
380

Section 2. That existing sections 9.15, 313.01, 313.02, 313.04, 313.05, 313.14, 313.161, and 325.15 and section 313.141 of the Revised Code are hereby repealed. 381
382
383