

As Reported by the Senate State and Local Government Committee

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Sub. H. B. No. 240

Representatives Huffman, Johnson, T.

Cosponsors: Representatives Hambley, Sweeney, Becker, Grossman, Blessing, Green, Sprague, Hill, Amstutz, Anielski, Antonio, Ashford, Boose, Brenner, Buchy, Burkley, Celebrezze, Dever, Dovilla, Hayes, Johnson, G., McClain, O'Brien, M., Perales, Retherford, Rogers, Ruhl, Ryan, Sears, Sheehy, Slaby, Slesnick, Smith, R., Strahorn, Thompson

Senators Hottinger, Hackett, Brown, Uecker, LaRose

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 institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

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

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

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

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

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

(2) "Deputy coroner" means the deputy coroner or deputy medical examiner of the county in which death occurs or the dead human body is found. 75
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Sec. 313.02. (A) ~~No (1)~~ Except as provided in division (A) (2) of this section, no person shall be eligible to the office of coroner except a physician who has been licensed to practice as a physician in this state for a period of at least two years immediately preceding election or appointment as a coroner, and who is in good standing in the person's profession, or is a person who was serving as coroner on October 12, 1945. 78
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(2) No person shall be eligible to the office of coroner of a charter county except a physician who is licensed to practice as a physician in this state and who is in good standing in the person's profession. 85
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(B) (1) Beginning in calendar year 2000 and in each fourth year thereafter, each newly elected coroner, after the general election but prior to commencing the term of office to which elected, shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the Ohio state coroners association. Within ninety days after appointment to the office of coroner under section 305.02 of the Revised Code, the newly appointed coroner shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the association. Hours of continuing education completed under the requirement described in division (B) (1) of this section shall not be counted toward fulfilling the continuing education requirement described in division (B) (2) of this section. 89
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As used in division (B) (1) of this section, "newly elected coroner" means a person who did not hold the office of coroner 103
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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, 167
pathologists serving as deputy coroners, and technicians, 168
stenographers, secretaries, clerks, custodians, and 169
investigators shall receive salaries fixed by the coroner and 170
payable from the county treasury upon the warrant of the county 171
auditor. The compensation shall not exceed, in the aggregate, 172
the amount fixed by the board of county commissioners for the 173
coroner's office. 174

(B) (1) A coroner may appoint, as a deputy coroner, as a 175
pathologist serving as a deputy coroner, or as a technician, 176
stenographer, secretary, clerk, custodian, investigator, or 177
other employee a person who is an associate of, or who is 178
employed by, the coroner or a deputy coroner in the private 179
practice of medicine in a partnership, professional association, 180
or other medical business arrangement. ~~A coroner~~ 181

(2) A coroner may appoint, as an investigator, a deputy 182
sheriff within the county or a law enforcement officer of a 183
political subdivision located within the county. The deputy 184
sheriff or law enforcement officer appointed as an investigator 185
may receive compensation for services performed as an 186
investigator in addition to any other compensation allowed by 187
law. 188

Sec. 313.14. (A) The coroner shall notify any known 189
relatives of a deceased person who meets death in the manner 190
described by section 313.12 of the Revised Code by letter or 191
otherwise. The next of kin, other relatives, or friends of the 192
deceased person, in the order named, shall have prior right as 193
to disposition of the body of such deceased person. If relatives 194

of the deceased are unknown, the coroner shall make a diligent 195
effort to ascertain the next of kin, other relatives, or friends 196
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) If a firearm is included in the personal effects of a 225

deceased person who meets death in the manner described by 226
section 313.12 of the Revised Code, the coroner shall deliver 227
the firearm to the chief of police of the municipal corporation 228
within which the body is found, or to the sheriff of the county 229
if the body is not found within a municipal corporation. Upon 230
delivery of the firearm to the chief of police or the sheriff, 231
the chief of police or sheriff shall give the coroner a receipt 232
for the firearm that states the date of delivery and an accurate 233
description of the firearm. The firearm shall be used for 234
evidentiary purposes only. 235

The deceased person's next of kin or other relative may 236
request that the firearm be given to the next of kin or other 237
relative once the firearm is no longer needed for evidentiary 238
purposes. The chief of police or the sheriff shall give the 239
firearm to the next of kin or other relative who requested the 240
firearm only if the next of kin or other relative may lawfully 241
possess the firearm under applicable law of this state or the 242
United States. The chief of police or the sheriff shall keep a 243
record identifying the next of kin or other relative to whom the 244
firearm is given, the date the firearm was given to the next of 245
kin or other relative, and an accurate description of the 246
firearm. 247

If a next of kin or other relative does not request the 248
firearm or is not entitled to possess the firearm, the firearm 249
shall be used at the discretion of the chief of police or the 250
sheriff. 251

(D) This section does not invalidate section 1713.34 of 252
the Revised Code. 253

Sec. 313.161. (A) Whenever an autopsy is performed, and 254
the injury causing death occurred within the boundaries of a 255

county other than the one in which the autopsy was performed, 256
such other county shall pay the costs of the autopsy. The cost 257
of such autopsy shall be no greater than the actual value of the 258
services of the technicians and materials used. Money derived 259
from the fees paid for such autopsies shall be credited to the 260
coroner's laboratory fund created in section 313.16 of the 261
Revised Code. 262

(B) (1) Whenever an autopsy is performed, and the person 263
who died was an inmate of a state correctional facility, the 264
department of rehabilitation and correction or the department of 265
youth services, as appropriate, shall pay the costs of the 266
autopsy. The costs of the autopsy shall be no greater than the 267
actual value of the transportation of the body, services of the 268
technicians, and the facilities and materials used. Money 269
derived from the fees paid for such autopsies shall be credited 270
to the coroner's laboratory fund created in section 313.16 of 271
the Revised Code. 272

(2) As used in this division, "state correctional 273
facility" means a "state correctional institution," as defined 274
in section 2967.01 of the Revised Code, a state correctional 275
institution that is privately operated and managed pursuant to 276
section 9.06 of the Revised Code, and an "institution," as 277
defined in section 5139.01 of the Revised Code. 278

Sec. 325.15. (A) Each coroner shall be classified, for 279
salary purposes, according to the population of the county. All 280
coroners shall receive annual compensation in accordance with 281
the following schedules and in accordance with section 325.18 of 282
the Revised Code: 283

CLASSIFICATION AND COMPENSATION SCHEDULE 284

	FOR CALENDAR YEAR 2001 FOR	285	
	CORONERS WITH A PRIVATE PRACTICE	286	
Class	Population Range	Compensation	287
1	1 - 20,000	\$18,842	288
2	20,001 - 35,000	21,410	289
3	35,001 - 55,000	23,978	290
4	55,001 - 95,000	35,112	291
5	95,001 - 200,000	43,676	292
6	200,001 - 400,000	53,951	293
7	400,001 - 1,000,000	60,803	294
8	1,000,001 or more	64,451	295
	CLASSIFICATION AND COMPENSATION SCHEDULE	296	
	FOR CALENDAR YEAR 2001 FOR	297	
	CORONERS WITHOUT A PRIVATE PRACTICE	298	
Class	Population Range	Compensation	299
5	175,001 - 200,000	\$98,689	300
6	200,001 - 400,000	98,689	301
7	400,001 - 1,000,000	101,085	302
8	1,000,001 or more	103,480	303
	CLASSIFICATION AND COMPENSATION SCHEDULE	304	
	FOR CALENDAR YEAR 2016 FOR	305	
	CORONERS WITH A PRIVATE PRACTICE	306	

Class	Population Range	Compensation	
			307
1	1 - 20,000	\$23,195	308
2	20,001 - 35,000	26,357	309
3	35,001 - 55,000	29,518	310
4	55,001 - 95,000	43,223	311
5	95,001 - 200,000	53,769	312
6	200,001 - 400,000	66,418	313
7	400,001 - 1,000,000	74,851	314
8	1,000,001 or more	79,343	315

CLASSIFICATION AND COMPENSATION SCHEDULE 316

FOR CALENDAR YEAR 2016 FOR 317

CORONERS WITHOUT A PRIVATE PRACTICE 318

Class	Population Range	Compensation	
			319
5	175,001 - 200,000	\$121,488	320
6	200,001 - 400,000	121,488	321
7	400,001 - 1,000,000	124,439	322
8	1,000,001 or more	127,389	323

CLASSIFICATION AND COMPENSATION SCHEDULE 324

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 325

CORONERS WITH A PRIVATE PRACTICE 326

Class	Population Range	Compensation	
			327
1	1 - 55,000	\$30,993	328

2	55,001 - 95,000	45,384	329
3	95,001 - 200,000	56,458	330
4	200,001 - 400,000	69,739	331
5	400,001 - 1,000,000	78,594	332
6	1,000,001 or more	83,310	333
	CLASSIFICATION AND COMPENSATION SCHEDULE		334
	FOR CALENDAR YEAR 2017 AND THEREAFTER FOR		335
	CORONERS WITHOUT A PRIVATE PRACTICE		336
Class	Population Range	Compensation	337
3	175,001 - 200,000	\$127,563	338
4	200,001 - 400,000	127,563	339
5	400,001 - 1,000,000	130,661	340
6	1,000,001 or more	133,759	341
	(B) <u>(1)</u> A coroner in a county with a population of one		342
	hundred seventy-five thousand one or more shall not engage in		343
	the private practice of medicine unless, before taking office,		344
	the coroner notifies the board of county commissioners of the		345
	intention to engage in that private practice. <u>A</u>		346
	A coroner in <u>such</u> a county with a population of one		347
	hundred seventy-five thousand one or more shall elect to engage		348
	or not to engage in the private practice of medicine before the		349
	commencement of each new term of office, <u>and a</u>. <u>A</u> coroner in		350
	such a county who engages in the private practice of medicine, <u>l</u>		351
	but who intends not to engage in the private practice of		352
	medicine during the coroner's next term of office, <u>l</u> shall so		353
	notify the board of county commissioners as specified in this		354

division. For a period of six months after taking office, a 355
coroner who elects not to engage in the private practice of 356
medicine may engage in the private practice of medicine, without 357
any reduction of ~~the salary~~ compensation as provided in division 358
(A) of this section and in section 325.18 of the Revised Code, 359
for the purpose of concluding the affairs of the coroner's 360
private practice of medicine. 361

(2) A coroner in a county with a population of one hundred 362
seventy-five thousand one or more who elects not to engage in 363
the private practice of medicine under division (B) (1) of this 364
section may, during the coroner's term of office, elect to 365
engage in the private practice of medicine by notifying the 366
board in writing of the intention to so engage. The notice shall 367
state the date on which the coroner will commence the private 368
practice of medicine and shall be given to the board at least 369
thirty days before that date. On the date stated in the notice, 370
the coroner's compensation shall be reduced as provided in 371
division (A) of this section and in section 325.18 of the 372
Revised Code for coroners with a private practice. 373

(C) Each coroner who is the coroner in a county with a 374
population of one hundred seventy-five thousand one or more and 375
who is without a private practice of medicine shall receive 376
supplemental compensation of an additional fifty per cent of the 377
annual compensation calculated under division (A) of this 378
section and section 325.18 of the Revised Code in each calendar 379
year in which the office of the coroner satisfies all of the 380
following: 381

(1) The office operates as a regional forensic pathology 382
examination referral center, and the operation generates 383
coroner's laboratory fund income, for purposes of section 313.16 384

of the Revised Code, that is in excess of the fund's expenses 385
and is sufficient to provide the supplemental compensation 386
specified in division (C) of this section; 387

(2) The coroner is a forensic pathologist certified by the 388
American board of pathology; and 389

(3) The coroner performs a minimum of seventy-five post 390
mortem examinations annually. 391

(D) Each coroner who is the coroner in a county with a 392
population of one hundred seventy-five thousand one or more and 393
who is without a private practice of medicine and does not 394
operate a regional forensic pathology examination referral 395
center may, on approval of the board of county commissioners, 396
receive supplemental compensation of up to an additional twenty- 397
five per cent of the annual compensation calculated under 398
division (A) of this section and section 325.18 of the Revised 399
Code in each calendar year in which the coroner is a forensic 400
pathologist certified by the American board of pathology and is 401
performing the forensic examinations of the county. 402

Section 2. That existing sections 9.15, 313.01, 313.02, 403
313.04, 313.05, 313.14, 313.161, and 325.15 and section 313.141 404
of the Revised Code are hereby repealed. 405