

**As Reported by the Senate State and Local Government Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**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**

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**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 76 77

**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 79 80 81 82 83 84

(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 86 87 88

(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 90 91 92 93 94 95 96 97 98 99 100 101 102

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

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, 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 <del>with a population of one</del>		347
	<del>hundred seventy-five thousand one or more</del> 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, <del>and a</del> . <u>A</u> coroner in		350
	such a county who engages in the private practice of medicine, <u></u>		351
	but who intends not to engage in the private practice of		352
	medicine during the coroner's next term of office, <u></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