

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

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

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

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

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

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

(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.

**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.

~~(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.

~~(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.

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

~~(2)~~ Except as otherwise provided in division ~~(B)~~ ~~(2)~~ of this section, beginning in calendar year 2001, each coroner, during the coroner's four-year term, shall attend and successfully complete thirty-two hours of continuing education at programs sponsored by the Ohio state coroners association. Except as otherwise provided in division ~~(B)~~ ~~(2)~~ of this section, each coroner shall attend and successfully complete twenty-four of these thirty-two hours at statewide meetings, and eight of these thirty-two hours at regional meetings, sponsored by the association. The association may approve attendance at continuing education programs it does not sponsor but, if attendance is approved,

successful completion of hours at these programs shall be counted toward fulfilling only the twenty-four-hour requirement described in division (B)(2) of this section.

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

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

When there is a vacancy in the coroner's office as a result of death or resignation and the vacancy cannot be filled by election or appointment as provided in section 305.02 of the Revised Code, or if no one runs for the office of coroner and, for that reason, the office is vacant, the board of county commissioners may contract with another county's coroner to exercise the powers and perform the acts, duties, or functions of the coroner. In addition to the applicable amounts of compensation specified in sections 325.15 and 325.18 of the Revised Code, the coroner with whom the board contracts may receive a supplemental payment for services rendered. The duration of the contract shall not extend beyond the last day of the term for which there was a vacancy.

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

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

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

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

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

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

(C) If a firearm is included in the personal effects of a deceased person who meets death in the manner described by section 313.12 of the Revised Code, the coroner shall deliver the firearm to the chief of police of the municipal corporation within which the body is found, or to the sheriff of the county if the body is not found within a municipal corporation. Upon delivery of the firearm to the chief of police or the sheriff, the chief of police or sheriff shall give the coroner a receipt for the firearm that states the date of delivery and an accurate description of the firearm. The firearm shall be used for evidentiary purposes only.

The deceased person's next of kin or other relative may request that the firearm be given to the next of kin or other relative once the firearm is no longer needed for evidentiary purposes. The chief of police or the sheriff shall give the firearm to the next of kin or other relative who requested the firearm only if the next of kin or other relative may lawfully possess the firearm under applicable law of this state or the United States. The chief of police or the sheriff shall keep a record identifying the next of kin or other relative to whom the firearm is given, the date the firearm was given to the

next of kin or other relative, and an accurate description of the firearm.

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

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

**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.

(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 actual value of the transportation of the body, services of the technicians, and the facilities 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.

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

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

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2001 FOR

CORONERS WITH A PRIVATE PRACTICE

Class	Population Range	Compensation
1	1 - 20,000	\$18,842
2	20,001 - 35,000	21,410
3	35,001 - 55,000	23,978
4	55,001 - 95,000	35,112
5	95,001 - 200,000	43,676
6	200,001 - 400,000	53,951
7	400,001 - 1,000,000	60,803
8	1,000,001 or more	64,451

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2001 FOR

CORONERS WITHOUT A PRIVATE PRACTICE

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

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016 FOR

CORONERS WITH A PRIVATE PRACTICE

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

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016 FOR

CORONERS WITHOUT A PRIVATE PRACTICE

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

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR

CORONERS WITH A PRIVATE PRACTICE

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

2	55,001 - 95,000	45,384
3	95,001 - 200,000	56,458
4	200,001 - 400,000	69,739
5	400,001 - 1,000,000	78,594
6	1,000,001 or more	83,310

CLASSIFICATION AND COMPENSATION SCHEDULE  
FOR CALENDAR YEAR 2017 AND THEREAFTER FOR  
CORONERS WITHOUT A PRIVATE PRACTICE

Class	Population Range	Compensation
3	175,001 - 200,000	\$127,563
4	200,001 - 400,000	127,563
5	400,001 - 1,000,000	130,661
6	1,000,001 or more	133,759

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

~~A coroner in such a county with a population of one hundred seventy-five thousand one or more shall elect to engage or not to engage in the private practice of medicine before the commencement of each new term of office, and a~~ A coroner in such a county who engages in the private practice of medicine, but who intends not to engage in the private practice of medicine during the coroner's next term of office, shall so notify the board of county commissioners as specified in this division. For a period of six months after taking office, a coroner who elects not to engage in the private practice of medicine may engage in the private practice of medicine, without any reduction of the salary compensation as provided in division (A) of this section and in section 325.18 of the Revised Code, for the purpose of concluding the affairs of the coroner's private practice of medicine.

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

(C) 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 shall receive supplemental compensation of an additional fifty 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 office of the coroner satisfies all of the following:

(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;

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

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

(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.

**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.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_