



Ohio Legislative Service Commission

Final Analysis

Wendy H. Gridley

Sub. H.B. 240

131st General Assembly
(As Passed by the General Assembly)

Reps. Huffman and T. Johnson, Hambley, Sweeney, Becker, Grossman, Blessing, Green, Sprague, Hill, Amstutz, Anielski, Antonio, Ashford, Boose, Brenner, Buchy, Burkley, Celebrezze, Dever, Dovilla, Hayes, G. Johnson, McClain, M. O'Brien, Perales, Retherford, Rogers, Ruhl, Ryan, Sears, Sheehy, Slaby, Slesnick, R. Smith, Strahorn, Thompson

Sens. Hottinger, Hackett, Brown, Uecker, LaRose, Beagle, Burke, Coley, Eklund, Hughes, Patton, Peterson, Seitz, Tavares

Effective date: August 31, 2016

ACT SUMMARY

- Requires, under certain conditions, and authorizes, under other conditions, supplemental compensation for a coroner of a county with a population exceeding 175,000 who is a certified forensic pathologist and does not engage in the private practice of medicine.
- Allows a coroner of a county with a population exceeding 175,000, who initially elected not to engage in private practice, to do so by notifying the board of county commissioners in writing.
- Authorizes a board of county commissioners to contract with another county's coroner to exercise the powers and functions of the coroner when a vacancy occurs because of the coroner's death or resignation and it cannot be filled by election or appointment, or when no one runs for the office.
- Authorizes a deputy sheriff or law enforcement officer appointed by a coroner as an investigator to receive compensation for services performed in addition to any other compensation allowed by law.
- Modifies the definition of coroner to recognize that the existing charter counties name their coroners "medical examiners."

- Eliminates, for chartered counties only, the two-year eligibility requirement that a coroner be licensed to practice in Ohio as a physician for at least two years.
- Defines "legal residence" for determining the political subdivision responsible for paying the burial expenses of an unclaimed body.
- Changes the requirements for disposition of a deceased person's firearm to permit the next of kin or another relative to claim the firearm.
- Requires the Department of Rehabilitation and Correction or the Department of Youth Services to pay the costs of an autopsy whenever the person who died was an inmate of a "state correctional facility."

CONTENT AND OPERATION

County coroners

Supplemental compensation for coroners who are forensic pathologists

Continuing law designates compensation for county coroners based on county population and whether they elect to engage in the private practice of medicine in a county with a population exceeding 175,000. The act requires that each coroner of a county with a population over 175,000 who does not engage in the private practice of medicine receive supplemental compensation of an additional 50% of the coroner's annual compensation in each calendar year in which the coroner's office satisfies all of the following:

(1) The office operates as a regional forensic pathology examination referral center, and the operation generates sufficient coroner's laboratory fund income that exceeds the fund's expenses and is sufficient to provide the supplemental compensation;

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

(3) The coroner performs a minimum of 75 post-mortem examinations annually.¹

But, if the coroner does not satisfy (1) or (3), the act authorizes, but does not require, the coroner to receive, on approval of the board of county commissioners, supplemental compensation of up to an additional 25% of the coroner's annual

¹ R.C. 325.15(C).



compensation in each calendar year in which the coroner is a Board-certified forensic pathologist and is performing the county's forensic examinations.²

Notice regarding coroner's return to private practice

The act allows a coroner in a county with a population exceeding 175,000, who initially elects not to engage in the private practice of medicine, to elect to engage in private practice during the coroner's term of office by notifying the board of county commissioners in writing of the coroner's intention to do so. The notice must state the date on which the coroner will commence private practice, and must be given to the board at least 30 days before that date. On the date stated in the notice, the coroner will be compensated at the reduced rate that applies to a coroner with a private practice.³

Coroner vacancies

Under the act, a 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 when a coroner's office is vacant as a result of (1) a death or resignation and the vacancy cannot be filled by election or appointment or (2) no one runs for the office of coroner, and, for that reason, the office is vacant. The coroner with whom the board contracts may receive a supplemental payment for services rendered. The act also specifies that the contract cannot extend beyond the last day of the term for which there was a vacancy.⁴

Coroners' investigators

A coroner may appoint a deputy sheriff within the county or a law enforcement officer of a political subdivision located within the county as an investigator. The act authorizes the appointed deputy or officer to receive compensation for services performed as an investigator in addition to any other compensation allowed by law.⁵

Coroners of charter counties

Coroner and deputy coroner definitions

The act modifies the definition of "coroner" to include the medical examiner of a county. Both Cuyahoga and Summit counties, in their charters, named their coroners

² R.C. 325.15(D).

³ R.C. 325.15(B)(2).

⁴ R.C. 313.04.

⁵ R.C. 313.05(B).



"medical examiners." (The Ohio Constitution permits the people of any county to adopt or amend a charter that establishes the county's form of government and determines which officers are elected and the manner of their election.⁶) The act similarly defines "deputy coroner" to include a deputy medical examiner.⁷

Coroner eligibility requirements

To be eligible for the office of coroner under continuing law, a person generally must be (1) a physician who has been licensed to practice in Ohio *for at least two years* immediately before election or appointment as coroner and (2) in good professional standing. The act eliminates, for coroners of charter counties only, the two-year "licensed to practice in Ohio" requirement. So, in Cuyahoga and Summit counties, to be eligible for the office of coroner, a person must be, at a minimum, licensed to practice as a physician in Ohio and in good professional standing.⁸

Disposition of unclaimed dead body and personal effects

Legal residence of a dead person

The act defines "legal residence" as 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. Under continuing law, when a dead body is found in a township or municipal corporation and the person was not an inmate of a correctional, benevolent, or charitable institution of Ohio, no person claims the body for private interment or cremation at the person's own expense, or the body is not delivered for medical or surgical study or dissection, the political subdivision in which the dead person had a legal residence must dispose of the body and pay for the burial.

The legal residence of a dead person, under the circumstances described above, determines which political subdivision must pay for disposal of the body under continuing law, as follows:

(1) 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 must cause it

⁶ Ohio Constitution Article X, Section 3. R.C. 1.62, which is not in the act, states that references in the Revised Code to particular county officers and authorities mean the officer or authority of a charter county designated by the charter to exercise the same powers or functions that are to be exercised under the applicable section of the Revised Code by officers or authorities of nonchartered counties.

⁷ R.C. 313.01(B).

⁸ R.C. 313.02(A). Those counties may, under their home rule authority, designate additional eligibility requirements unless they are prohibited by their charters.



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.

(2) If the person had a legal residence in another Ohio county at the time of death, the superintendent of the county home of the county in which the body was found must 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.

(3) 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 Ohio, or the person's legal residence is unknown, the superintendent must cause the person to be buried or cremated at the expense of the county.

These officials also must 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 must be inscribed.⁹

Disposition of deceased person's firearm

Continuing law requires a coroner to take charge and possession of all money, clothing, and other valuable personal effects of a deceased person whose body is unclaimed and who died under one of the following circumstances: (1) as a result of criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner, (2) when any person, including a child under two years old, dies suddenly when in apparent good health, or (3) when any mentally retarded person or developmentally disabled person dies regardless of the circumstances. The coroner must store the personal effects in the coroner's office or in storage the board of county commissioners provides.

Ongoing law requires the coroner to sell the deceased's valuable personal effects at public auction, except for firearms. Under former law, repealed by the act, firearms had to be used for law enforcement purposes only or be destroyed.¹⁰

Continuing law requires that the coroner deliver the deceased person's firearm to the police chief 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. The police chief or sheriff must give the coroner a receipt for the firearm that states the date of

⁹ R.C. 9.15.

¹⁰ R.C. 313.14(A); R.C. 313.141 (repealed).



delivery and an accurate description of the firearm. Under the act, the firearm must be used for evidentiary purposes only.

The act establishes a procedure for the next of kin or other relative to request that the firearm be given to the next of kin or other relative once it is no longer needed for evidentiary purposes. The police chief or the sheriff must give the firearm to the next of kin or other relative only if that person may lawfully possess the firearm under applicable state or federal law. The police chief or sheriff must keep a record identifying the next of kin or other relative, the date the firearm was given to the person, 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 it, the firearm must be used at the discretion of the police chief or sheriff. The act eliminates the requirement that the firearm be used for law enforcement purposes only or be destroyed.¹¹

Costs of an inmate's autopsy

The act requires the Department of Rehabilitation and Correction (DRC) or the Department of Youth Services (DYS), as appropriate, to pay the costs of an autopsy whenever the person who died was an inmate of a "state correctional facility." The costs cannot exceed the actual value of the transportation of the body, services of the technicians, and the facilities and materials used. Money from the fees paid for the autopsies must be credited to a special fund for the use of the coroner's laboratory. Continuing law requires that money in the special fund be used to purchase necessary supplies and equipment for the laboratory and to pay any associated administration costs at the coroner's discretion.¹²

The act¹³ defines a "state correctional facility" as a state correctional institution, which includes any institution or facility that is operated by the DRC and is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders;¹⁴ a state correctional institution that is privately operated and managed;¹⁵ and a state facility that is created by the General Assembly and is under the

¹¹ R.C. 313.14(C); R.C. 313.141 (repealed).

¹² R.C. 313.161(B); R.C. 313.16, not in the act.

¹³ R.C. 313.161(B)(2).

¹⁴ R.C. 2967.01, not in the act.

¹⁵ R.C. 9.06, not in the act.



management and control of DYS or a private entity with which DYS has contracted for the institutional care and custody of felony delinquents.¹⁶

HISTORY

ACTION	DATE
Introduced	06-02-15
Reported, H. State Government	12-03-15
Passed House (94-0)	02-24-16
Reported, S. State & Local Gov't	05-03-16
Passed Senate (30-0)	05-18-16

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¹⁶ R.C. 5139.01, not in the act.

