



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 240 of the 131st G.A.

**Date:** May 18, 2016

**Status:** As Enacted

**Sponsor:** Reps. Huffman and T. Johnson

**Local Impact Statement Procedure Required:** Yes

**Contents:** Makes changes to the law governing coroners

### State Fiscal Highlights

- Minimal increase in costs for the Department of Rehabilitation and Correction and 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.

### Local Fiscal Highlights

- Counties with a population of 175,001 or more would experience an increase in required supplemental payments to coroners if certain requirements are met and the supplemental payment is able to be provided by the coroner's laboratory fund income in excess of the fund's expenses.
- Some counties with a population of 175,001 or more may experience an increase in supplemental payments to coroners upon approval of the board of county commissioners.
- Counties with a population of 175,001 or more would experience a decrease in costs if the coroner chooses to engage in private practice and notifies the board of county commissioners in writing.
- Counties in which coroners appoint investigators may experience an increase in costs.

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## Detailed Fiscal Analysis

The bill makes several changes to the law governing coroners, including the establishment of supplemental payments for coroners under certain conditions. The bill also requires the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS) to pay the costs of an autopsy whenever the person who died was an inmate of a state correctional facility.

### Changes to the law governing coroners

#### Supplemental compensation for coroners who are forensic pathologists

The bill requires that each coroner who is the coroner in a county with a population of 175,001 or more and who does not elect to engage in the private practice of medicine receive supplemental compensation of an additional 50% of the coroner's annual compensation in each calendar year if the following conditions are satisfied:

1. The coroner's office operates a regional forensic pathology examination referral center, and the operation generates sufficient coroner's laboratory fund income that is in excess of 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.

Counties where coroners meet these criteria will experience an increase in annual costs associated with supplemental compensation. However, supplemental compensation for coroners will be paid for out of a qualifying county's coroner's laboratory fund.

If the coroner does not satisfy (1) or (3) above, the bill 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 compensation. Qualifying counties in which the board of county commissioners elects to provide coroners with supplemental income will experience an increase in annual costs.

#### Notice regarding coroner's return to private practice

The bill allows a coroner of a county with a population of 175,001 or more, who initially elected not to engage in private practice, to so engage by notifying the board of county commissioners in writing. Because coroners who engage in private practice are entitled to less compensation, some qualifying counties may experience a decrease in annual costs if coroners elect to engage in private practice.

### **Coroner vacancies**

The bill authorizes a board of county commissioners to contract with another county's coroner to exercise the powers and perform the acts, duties, or functions of the coroner when the coroner dies or resigns and the vacancy cannot be filled by election or appointment, or when no one runs for the office. Depending on the cost of contracted services compared to the cost of a coroner, counties that elect to contract with another county coroner may experience either an increase or a decrease in costs.

### **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 bill authorizes the deputy sheriff or law enforcement officer appointed as an investigator to receive compensation for services performed as an investigator in addition to any other compensation allowed by law. Counties in which coroners appoint investigators may experience an increase in costs.

### **Disposition of a deceased person's personal effects**

When a body is unclaimed, current law requires the coroner to sell at public auction the valuable personal effects of the deceased, except firearms, which must be delivered 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. The firearms must be used for law enforcement purposes only or must be destroyed.

The bill requires that the coroner deliver a deceased person's firearm to the chief of police or sheriff and that after the firearm is no longer needed for evidentiary purposes, the deceased person's next of kin or other relative may request the firearm. If the 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 sheriff. The bill limits the requirement that the coroner sell such deceased person's personal effects at public auction to only cases in which the cost of the person's burial is paid by the county. The bill eliminates the requirement that firearms delivered to the chief of police or the sheriff must be used for law enforcement purposes only or must be destroyed. Counties may experience a minimal decrease in revenue if fewer valuable personal effects are sold at auction.

### **Costs of an inmate's autopsy**

The bill requires DRC or 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 be 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 the autopsies must be credited to a special fund for the use of the coroner's laboratory. According to the director of the Montgomery County coroner's office, state agencies will be charged approximately \$1,500 per autopsy. There were 20, 17, and 18 autopsies

performed on inmates in 2012, 2013, and 2014 respectively. If this trend continues, DRC estimates that the cost to the agency will be minimal. The cost to DYS will likely also be minimal given that deaths of juvenile inmates are extremely rare. Counties that contain state correctional facilities, which under current law are responsible for the cost of an inmate's autopsy, will experience a corresponding decrease in costs.

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