

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 471

Representative Setzer

Cosponsors: Representatives Gibbs, Combs

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A B I L L

To amend sections 313.05, 313.10, 313.16, and 325.15 1
and to enact section 313.211 of the Revised Code 2
to change certain powers and duties of coroners, 3
to specify that certain records of a decedent 4
relating to the criminal investigation of the 5
decedent's death are not public records, and to 6
provide supplemental compensation to full-time 7
coroners in counties with a population exceeding 8
175,000 who supervise and coordinate the 9
additional workload involved in performing 10
autopsies under contract for at least ten other 11
counties. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 313.05, 313.10, 313.16, and 325.15 13
be amended and section 313.211 of the Revised Code be enacted to 14
read as follows: 15

Sec. 313.05. (A)(1) The coroner may appoint, in writing, 16
deputy coroners, who shall be licensed physicians of good standing 17
in their profession, one of whom may be designated as the chief 18
deputy coroner. The coroner also may appoint pathologists as 19

deputy coroners, who may perform autopsies, make pathological and 20
chemical examinations, and perform other duties as directed by the 21
coroner or recommended by the prosecuting attorney. The coroner 22
may appoint any necessary technicians. 23

The coroner may contract for the services of deputy coroners 24
to aid the coroner in the execution of the coroner's powers and 25
duties. Contracts for the services of deputy coroners are exempt 26
from any competitive bidding requirements of the Revised Code. 27

(2) The coroner may appoint, in writing, one or more 28
secretaries and an official stenographer, who shall record the 29
testimony of witnesses in attendance upon the coroner's inquest, 30
preserve and file properly indexed records of all official 31
reports, acts, and communications of the office, and perform other 32
services as required by the coroner. 33

(3) The coroner may appoint clerks, stenographers, 34
custodians, and investigators and shall define their duties. 35

(4) For the performance of their duties, deputy coroners, 36
pathologists serving as deputy coroners, and technicians, 37
stenographers, secretaries, clerks, custodians, and investigators 38
shall receive salaries fixed by the coroner and payable from the 39
county treasury upon the warrant of the county auditor. The 40
compensation shall not exceed, in the aggregate, the amount fixed 41
by the board of county commissioners for the coroner's office. 42

(B) A coroner may appoint, as a deputy coroner, as a 43
pathologist serving as a deputy coroner, or as a technician, 44
stenographer, secretary, clerk, custodian, investigator, or other 45
employee a person who is an associate of, or who is employed by, 46
the coroner or a deputy coroner in the private practice of 47
medicine in a partnership, professional association, or other 48
medical business arrangement. A coroner may appoint, as an 49
investigator, a deputy sheriff within the county or a law 50

enforcement officer of a political subdivision located within the 51
county. 52

Sec. 313.10. (A)(1) Except as otherwise provided in this 53
section, the records of the coroner, including, but not limited 54
to, the detailed descriptions of the observations written during 55
the progress of an autopsy and the conclusions drawn from those 56
observations filed in the office of the coroner under division (A) 57
of section 313.13 of the Revised Code, made personally by the 58
coroner or by anyone acting under the coroner's direction or 59
supervision, are public records. Those records, or transcripts or 60
photostatic copies of them, certified by the coroner shall be 61
received as evidence in any criminal or civil action or proceeding 62
in a court in this state, as to the facts contained in those 63
records. The coroner of the county where a death occurred shall be 64
responsible for the release of all public records relating to that 65
death. 66

(2) Except as otherwise provided in division (D) or (E) of 67
this section, the following records in a coroner's office are not 68
public records: 69

(a) Preliminary autopsy and investigative notes and findings 70
made by the coroner or by anyone acting under the coroner's 71
direction or supervision; 72

(b) Photographs of a decedent made by the coroner or by 73
anyone acting under the coroner's direction or supervision; 74

(c) Suicide notes; 75

(d) Medical and psychiatric records provided to the coroner, 76
a deputy coroner, or a representative of the coroner or a deputy 77
coroner under section 313.091 of the Revised Code; 78

(e) Records of a deceased individual whose death is believed 79
to be related to the actions of another person and believed to 80

result potentially in the filing of criminal charges or the 81
investigation of which remains ongoing or open; 82

(f) Laboratory reports generated from the analysis of 83
physical evidence by the coroner's laboratory that is discoverable 84
under Criminal Rule 16. 85

(3) In the coroner's discretion, photographs of a decedent 86
may be used for medical, legal, or educational purposes. 87

(B) All records in the coroner's office that are public 88
records are open to inspection by the public, and any person may 89
receive a copy of any such record or part of it upon demand in 90
writing, accompanied by payment of a record retrieval and copying 91
fee, at the rate of twenty-five cents per page or a minimum fee of 92
one dollar. 93

(C)(1) The coroner shall provide a copy of the full and 94
complete records of the coroner with respect to a decedent to a 95
person who makes a written request as the next of kin of the 96
decedent. The following persons may make a request pursuant to 97
this division as the next of kin of a decedent: 98

(a) The surviving spouse of the decedent; 99

(b) If there is no surviving spouse, or if the surviving 100
spouse has died without having made a request pursuant to this 101
division, any child of the decedent over eighteen years of age, 102
with each child over eighteen years of age having an independent 103
right to make a request pursuant to this division; 104

(c) If there is no surviving spouse or child over eighteen 105
years of age, or if the surviving spouse and all children over 106
eighteen years of age have died without having made a request 107
pursuant to this division, the parents of the decedent, with each 108
parent having an independent right to make a request pursuant to 109
this division; 110

(d) If there is no surviving spouse, child over eighteen 111
years of age, or parents of the decedent, or if all have died 112
without having made a request pursuant to this division, the 113
brothers and sisters of the decedent, whether of the whole or the 114
half blood, with each having an independent right to make a 115
request pursuant to this division. 116

(2) If there is no surviving person who may make a written 117
request as next of kin for a copy of the full and complete records 118
of the coroner pursuant to division (C)(1) of this section, or if 119
all next of kin of the decedent have died without having made a 120
request pursuant to that division, the coroner shall provide a 121
copy of the full and complete records of the coroner with respect 122
to a decedent to the representative of the estate of the decedent 123
who is the subject of the records upon written request made by the 124
representative. 125

(D) A journalist may submit to the coroner a written request 126
to view preliminary autopsy and investigative notes and findings, 127
suicide notes, or photographs of the decedent made by the coroner 128
or by anyone acting under the coroner's discretion or supervision. 129
The request shall include the journalist's name and title and the 130
name and address of the journalist's employer and state that the 131
granting of the request would be in the best interest of the 132
public. If a journalist submits a written request to the coroner 133
to view the records described in this division, the coroner shall 134
grant the journalist's request. The journalist shall not copy the 135
preliminary autopsy and investigative notes and findings, suicide 136
notes, or photographs of the decedent. 137

(E)(1) An insurer may submit to the coroner a written request 138
to obtain a copy of the full and complete records of the coroner 139
with respect to a deceased person. The request shall include the 140
name of the deceased person, the type of policy to which the 141
written request relates, and the name and address of the insurer. 142

(2) If an insurer submits a written request to the coroner to obtain a copy of records pursuant to division (E)(1) of this section, the coroner shall grant that request.

(3) Upon the granting of a written request to obtain a copy of records by the coroner, the insurer may utilize the records for the following purposes:

(a) To investigate any first party claim or third party claim asserted under a policy of insurance issued by the insurer that arises from the death of the deceased person;

(b) To determine coverage for any first party claim or third party claim asserted under a policy of insurance issued by the insurer that arises from the death of the deceased person;

(c) To determine the insurer's liability for any first party claim or third party claim asserted under a policy of insurance issued by the insurer that arises from the death of the deceased person.

(4) Prior to the delivery of records that are the subject of a request made pursuant to division (E)(1) of this section, the coroner may require the insurer who submitted the written request for the records to provide a payment to the coroner of a record retrieval and copying fee at the rate of twenty-five cents per page or a minimum fee of one dollar.

(5) Any records produced by the coroner in response to a written request under division (E)(1) of this section shall remain in the care, custody, and control of the insurer and its employees or representatives at all times. The insurer may not release or disclose the records to any other person unless any of the following apply:

(a) The release of the records is reasonably necessary to further a purpose described in division (E)(3) of this section.

(b) A court of competent jurisdiction orders the insurer to produce the records.	173 174
(c) The insurer is required to produce the records in response to a civil or criminal subpoena.	175 176
(d) The insurer is responding to a request for the records from a law enforcement agency, the department of insurance or a department of insurance from another state, or another governmental authority.	177 178 179 180
(F) The coroner may contact the decedent's next of kin to inform the next of kin that a journalist or an insurer has submitted a written request pursuant to division (D) or (E) of this section and whether the coroner has granted the journalist's or the insurer's request.	181 182 183 184 185
(G) As used in this section:	186
(1) "Full and complete records of the coroner" includes, but is not limited to, the following:	187 188
(a) The detailed descriptions of the observations written by the coroner or by anyone acting under the coroner's direction or supervision during the progress of an autopsy and the conclusions drawn from those observations that are filed in the office of the coroner under division (A) of section 313.13 of the Revised Code;	189 190 191 192 193
(b) Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;	194 195 196
(c) Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;	197 198
(d) Suicide notes;	199
(e) Medical and psychiatric records provided to the coroner, a deputy coroner, or a representative of the coroner or a deputy coroner under section 313.091 of the Revised Code.	200 201 202

(2) "Insurer" has the same meaning as in section 3901.07 of the Revised Code. 203
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(3) "Journalist" has the same meaning as in section 149.43 of the Revised Code. 205
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Sec. 313.16. In counties where no coroner's laboratory has been established or where the coroner's laboratory does not have the equipment or personnel to follow the protocol established by rule of the public health council adopted under section 313.122 of the Revised Code, the coroner may request a coroner of a county in which such a laboratory is established or that has a laboratory able to follow the public health council's protocol to perform necessary laboratory examinations, the cost of which shall be no greater than the actual value of the services of technicians and the materials used in performing such examination. Money derived from the fees paid for these examinations shall be kept in a special fund, for the use of the coroner's laboratory, from which fund replacements can be made. Such funds shall be used to purchase necessary supplies and equipment for the laboratory and to pay any associated costs incurred in the administration of this section at the coroner's discretion. 207
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Sec. 313.211. The coroner may secure, catalog, record, and then destroy any controlled substances found at the scene of an investigation the coroner conducts, if the controlled substances are no longer needed for investigative or scientific purposes. 223
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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: 227
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CLASSIFICATION AND COMPENSATION SCHEDULE 232

FOR CALENDAR YEAR 2000 FOR 233
CORONERS WITH A PRIVATE PRACTICE 234

Class	Population Range	Compensation	
1	1 - 20,000	\$16,628	236
2	20,001 - 40,000	18,293	237
3	40,001 - 55,000	20,786	238
4	55,001 - 70,000	23,280	239
5	70,001 - 85,000	25,774	240
6	85,001 - 95,000	31,595	241
7	95,001 - 105,000	34,089	242
8	105,001 - 125,000	36,584	243
9	125,001 - 175,000	39,909	244
10	175,001 - 275,000	42,404	245
11	275,001 - 400,000	49,054	246
12	400,001 - 600,000	52,380	247
13	600,001 - 1,000,000	55,706	248
14	Over 1,000,000	59,032	249

CLASSIFICATION AND COMPENSATION SCHEDULE 250

FOR CALENDAR YEAR 2000 FOR 251

CORONERS WITHOUT A PRIVATE PRACTICE 252

Class	Population Range	Compensation	
10	175,001 - 275,000	\$95,815	254
11	275,001 - 400,000	95,815	255
12	400,001 - 600,000	95,815	256
13	600,001 - 1,000,000	95,815	257
14	Over 1,000,000	95,815	258

CLASSIFICATION AND COMPENSATION SCHEDULE 259

FOR CALENDAR YEAR 2001 FOR 260

CORONERS WITH A PRIVATE PRACTICE 261

Class	Population Range	Compensation	
1	1 - 20,000	\$18,842	263
2	20,001 - 35,000	21,410	264
3	35,001 - 55,000	23,978	265

4	55,001 - 95,000	35,112	266
5	95,001 - 200,000	43,676	267
6	200,001 - 400,000	53,951	268
7	400,001 - 1,000,000	60,803	269
8	1,000,001 or more	64,451	270

CLASSIFICATION AND COMPENSATION SCHEDULE 271

FOR CALENDAR YEAR 2001 FOR 272

CORONERS WITHOUT A PRIVATE PRACTICE 273

Class	Population Range	Compensation	
5	175,001 - 200,000	\$98,689	275
6	200,001 - 400,000	98,689	276
7	400,001 - 1,000,000	101,085	277
8	1,000,001 or more	103,480	278

(B) Each coroner who is the coroner of a county with a population of one hundred seventy-five thousand one or more and who is without a private practice shall receive supplemental compensation equal to twenty-five per cent of the annual salary calculated under division (A) of this section and section 325.18 of the Revised Code in each calendar year in which the office of that coroner performs autopsies for at least ten other counties under a contract with those counties. This supplemental compensation shall be paid from the coroner's laboratory fund created in section 313.16 of the Revised Code. 279-288

(C) 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. 289-293

A coroner in 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 coroner in such a county who 294-297

engages in the private practice of medicine but who intends not to 298
engage in the private practice of medicine during the coroner's 299
next term of office shall so notify the board of county 300
commissioners as specified in this division. For a period of six 301
months after taking office, a coroner who elects not to engage in 302
the private practice of medicine may engage in the private 303
practice of medicine, without any reduction of the salary as 304
provided in division (A) of this section and in section 325.18 of 305
the Revised Code, for the purpose of concluding the affairs of the 306
coroner's private practice of medicine. 307

Section 2. That existing sections 313.05, 313.10, 313.16, and 308
325.15 of the Revised Code are hereby repealed. 309