

**As Passed by the House**

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**Am. H. B. No. 471**

**Representative Setzer**

**Cosponsors: Representatives Gibbs, Combs, Bacon, Domenick, Dyer,  
Evans, Flowers, Grady, Hughes, Letson, Schneider**

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**A B I L L**

To amend sections 313.05, 313.10, and 313.16, and to 1  
enact section 313.211 of the Revised Code to 2  
change certain powers and duties of coroners and 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. 6

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

**Section 1.** That sections 313.05, 313.10, and 313.16 be 7  
amended and section 313.211 of the Revised Code be enacted to read 8  
as follows: 9

**Sec. 313.05.** (A)(1) The coroner may appoint, in writing, 10  
deputy coroners, who shall be licensed physicians of good standing 11  
in their profession, one of whom may be designated as the chief 12  
deputy coroner. The coroner also may appoint pathologists as 13  
deputy coroners, who may perform autopsies, make pathological and 14  
chemical examinations, and perform other duties as directed by the 15  
coroner or recommended by the prosecuting attorney. The coroner 16  
may appoint any necessary technicians. 17

The coroner may contract for the services of deputy coroners 18

to aid the coroner in the execution of the coroner's powers and 19  
duties. Contracts for the services of deputy coroners are exempt 20  
from any competitive bidding requirements of the Revised Code. 21

(2) The coroner may appoint, in writing, one or more 22  
secretaries and an official stenographer, who shall record the 23  
testimony of witnesses in attendance upon the coroner's inquest, 24  
preserve and file properly indexed records of all official 25  
reports, acts, and communications of the office, and perform other 26  
services as required by the coroner. 27

(3) The coroner may appoint clerks, stenographers, 28  
custodians, and investigators and shall define their duties. 29

(4) For the performance of their duties, deputy coroners, 30  
pathologists serving as deputy coroners, and technicians, 31  
stenographers, secretaries, clerks, custodians, and investigators 32  
shall receive salaries fixed by the coroner and payable from the 33  
county treasury upon the warrant of the county auditor. The 34  
compensation shall not exceed, in the aggregate, the amount fixed 35  
by the board of county commissioners for the coroner's office. 36

(B) A coroner may appoint, as a deputy coroner, as a 37  
pathologist serving as a deputy coroner, or as a technician, 38  
stenographer, secretary, clerk, custodian, investigator, or other 39  
employee a person who is an associate of, or who is employed by, 40  
the coroner or a deputy coroner in the private practice of 41  
medicine in a partnership, professional association, or other 42  
medical business arrangement. A coroner may appoint, as an 43  
investigator, a deputy sheriff within the county or a law 44  
enforcement officer of a political subdivision located within the 45  
county. 46

**Sec. 313.10.** (A)(1) Except as otherwise provided in this 47  
section, the records of the coroner who has jurisdiction over the 48  
case, including, but not limited to, the detailed descriptions of 49

the observations written during the progress of an autopsy and the 50  
conclusions drawn from those observations filed in the office of 51  
the coroner under division (A) of section 313.13 of the Revised 52  
Code, made personally by the coroner or by anyone acting under the 53  
coroner's direction or supervision, are public records. Those 54  
records, or transcripts or photostatic copies of them, certified 55  
by the coroner shall be received as evidence in any criminal or 56  
civil action or proceeding in a court in this state, as to the 57  
facts contained in those records. The coroner of the county where 58  
the death was pronounced shall be responsible for the release of 59  
all public records relating to that death. 60

(2) Except as otherwise provided in division (D) or (E) of 61  
this section, the following records in a coroner's office that has 62  
jurisdiction over the case are not public records: 63

(a) Preliminary autopsy and investigative notes and findings 64  
made by the coroner or by anyone acting under the coroner's 65  
direction or supervision; 66

(b) Photographs of a decedent made by the coroner or by 67  
anyone acting under the coroner's direction or supervision; 68

(c) Suicide notes; 69

(d) Medical and psychiatric records provided to the coroner, 70  
a deputy coroner, or a representative of the coroner or a deputy 71  
coroner under section 313.091 of the Revised Code; 72

(e) Records of a deceased individual that are confidential 73  
law enforcement investigatory records as defined in section 149.43 74  
of the Revised Code; 75

(f) Laboratory reports generated from the analysis of 76  
physical evidence by the coroner's laboratory that is discoverable 77  
under Criminal Rule 16. 78

(3) In the coroner's discretion, photographs of a decedent 79

may be used for medical, legal, or educational purposes. 80

(B) All records in the coroner's office that has jurisdiction 81  
over the case that are public records are open to inspection by 82  
the public, and any person may receive a copy of any such record 83  
or part of it upon demand in writing, accompanied by payment of a 84  
record retrieval and copying fee, at the rate of twenty-five cents 85  
per page or a minimum fee of one dollar. 86

(C)(1) The coroner who has jurisdiction over the case shall 87  
provide a copy of the full and complete records of the coroner 88  
with respect to a decedent to a person who makes a written request 89  
as the next of kin of the decedent. The following persons may make 90  
a request pursuant to this division as the next of kin of a 91  
decedent: 92

(a) The surviving spouse of the decedent; 93

(b) If there is no surviving spouse, or if the surviving 94  
spouse has died without having made a request pursuant to this 95  
division, any child of the decedent over eighteen years of age, 96  
with each child over eighteen years of age having an independent 97  
right to make a request pursuant to this division; 98

(c) If there is no surviving spouse or child over eighteen 99  
years of age, or if the surviving spouse and all children over 100  
eighteen years of age have died without having made a request 101  
pursuant to this division, the parents of the decedent, with each 102  
parent having an independent right to make a request pursuant to 103  
this division; 104

(d) If there is no surviving spouse, child over eighteen 105  
years of age, or parents of the decedent, or if all have died 106  
without having made a request pursuant to this division, the 107  
brothers and sisters of the decedent, whether of the whole or the 108  
half blood, with each having an independent right to make a 109  
request pursuant to this division. 110

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

(D) A journalist may submit to the coroner who has jurisdiction over the case a written request to view preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision. The request shall include the journalist's name and title and the name and address of the journalist's employer and state that the granting of the request would be in the best interest of the public. If a journalist submits a written request to the coroner to view the records described in this division, the coroner shall grant the journalist's request. The journalist shall not copy the preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent.

(E)(1) An insurer may submit to the coroner who has jurisdiction over the case a written request to obtain a copy of the full and complete records of the coroner with respect to a deceased person. The request shall include the name of the deceased person, the type of policy to which the written request relates, and the name and address of the insurer.

(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 143  
the following purposes: 144

(a) To investigate any first party claim or third party claim 145  
asserted under a policy of insurance issued by the insurer that 146  
arises from the death of the deceased person; 147

(b) To determine coverage for any first party claim or third 148  
party claim asserted under a policy of insurance issued by the 149  
insurer that arises from the death of the deceased person; 150

(c) To determine the insurer's liability for any first party 151  
claim or third party claim asserted under a policy of insurance 152  
issued by the insurer that arises from the death of the deceased 153  
person. 154

(4) Prior to the delivery of records that are the subject of 155  
a request made pursuant to division (E)(1) of this section, the 156  
coroner may require the insurer who submitted the written request 157  
for the records to provide a payment to the coroner of a record 158  
retrieval and copying fee at the rate of twenty-five cents per 159  
page or a minimum fee of one dollar. 160

(5) Any records produced by the coroner in response to a 161  
written request under division (E)(1) of this section shall remain 162  
in the care, custody, and control of the insurer and its employees 163  
or representatives at all times. The insurer may not release or 164  
disclose the records to any other person unless any of the 165  
following apply: 166

(a) The release of the records is reasonably necessary to 167  
further a purpose described in division (E)(3) of this section. 168

(b) A court of competent jurisdiction orders the insurer to 169  
produce the records. 170

(c) The insurer is required to produce the records in 171  
response to a civil or criminal subpoena. 172

(d) The insurer is responding to a request for the records 173  
from a law enforcement agency, the department of insurance or a 174  
department of insurance from another state, or another 175  
governmental authority. 176

(F) The coroner may contact the decedent's next of kin to 177  
inform the next of kin that a journalist or an insurer has 178  
submitted a written request pursuant to division (D) or (E) of 179  
this section and whether the coroner has granted the journalist's 180  
or the insurer's request. 181

(G) As used in this section: 182

(1) "Full and complete records of the coroner" includes, but 183  
is not limited to, the following: 184

(a) The detailed descriptions of the observations written by 185  
the coroner or by anyone acting under the coroner's direction or 186  
supervision during the progress of an autopsy and the conclusions 187  
drawn from those observations that are filed in the office of the 188  
coroner under division (A) of section 313.13 of the Revised Code; 189

(b) Preliminary autopsy and investigative notes and findings 190  
made by the coroner or by anyone acting under the coroner's 191  
direction or supervision; 192

(c) Photographs of a decedent made by the coroner or by 193  
anyone acting under the coroner's direction or supervision; 194

(d) Suicide notes; 195

(e) Medical and psychiatric records provided to the coroner, 196  
a deputy coroner, or a representative of the coroner or a deputy 197  
coroner under section 313.091 of the Revised Code; 198

(f) Records of a deceased individual that are confidential 199  
law enforcement investigatory records as defined in section 149.43 200  
of the Revised Code; 201

(g) Laboratory reports generated from the analysis of 202

physical evidence by the coroner's laboratory that is discoverable 203  
under Criminal Rule 16. 204

(2) "Insurer" has the same meaning as in section 3901.07 of 205  
the Revised Code. 206

(3) "Journalist" has the same meaning as in section 149.43 of 207  
the Revised Code. 208

**Sec. 313.16.** In counties where no coroner's laboratory has 209  
been established or where the coroner's laboratory does not have 210  
the equipment or personnel to follow the protocol established by 211  
rule of the public health council adopted under section 313.122 of 212  
the Revised Code, the coroner may request a coroner of a county in 213  
which such a laboratory is established or that has a laboratory 214  
able to follow the public health council's protocol to perform 215  
necessary laboratory examinations, the cost of which shall be no 216  
greater than the actual value of the services of technicians and 217  
the materials used in performing such examination. Money derived 218  
from the fees paid for these examinations shall be kept in a 219  
special fund, for the use of the coroner's laboratory, from which 220  
fund replacements can be made. Such funds shall be used to 221  
purchase necessary supplies and equipment for the laboratory and 222  
to pay any associated costs incurred in the administration of this 223  
section at the coroner's discretion. 224

**Sec. 313.211.** The coroner may secure, catalog, record, and, 225  
with the approval of the prosecuting attorney, destroy any 226  
dangerous drugs found at the scene of an investigation the coroner 227  
conducts, if the dangerous drugs are no longer needed for 228  
investigative or scientific purposes. 229

**Section 2.** That existing sections 313.05, 313.10, and 313.16 230  
of the Revised Code are hereby repealed. 231