

**As Reported by the House State Government and Elections
Committee**

**127th General Assembly
Regular Session
2007-2008**

Am. 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, 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