

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 192**

**Representative Letson**

**Cosponsors: Representatives Weddington, Ujvagi, Dodd, Hagan, Luckie,  
Harwood, Brown**

—

**A BILL**

To enact section 313.061 of the Revised Code to 1  
require the court in a civil action to tax as a 2  
cost the amount necessary to reimburse the county 3  
treasury when the coroner or the coroner's 4  
physician-employees or forensic investigators are 5  
called to testify about professional services and 6  
to provide for the direct payment to physicians in 7  
private practice who perform autopsies for a 8  
coroner's office and are similarly called to 9  
testify. 10

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

**Section 1.** That section 313.061 of the Revised Code be 11  
enacted to read as follows: 12

Sec. 313.061. Notwithstanding anything to the contrary in 13  
section 2335.06 of the Revised Code, when the coroner, another 14  
physician, or forensic investigator is deposed or called as a 15  
witness in a civil action to testify about professional services, 16  
including, but not limited to, autopsies and toxicology 17  
interpretations or forensic investigations, performed by or on 18

behalf of the coroner, a fee for testifying shall be taxed as a 19  
cost by the court in the civil action. The fee may include time 20  
spent preparing for and attending a deposition as well as time 21  
spent preparing for and testifying in court. Notwithstanding any 22  
other provision in the Revised Code governing the distribution of 23  
costs, the court shall award costs as follows: 24

(A) If the body that was the subject of the autopsy was in 26  
the charge of the coroner, and the coroner or a physician or 27  
forensic investigator who is an employee of that coroner's office 28  
is deposed or called as a witness, the court shall award to the 29  
treasury of that coroner's county the amount that the board of 30  
county commissioners of that county determines to be the 31  
approximate amount of the compensation, including fringe benefits, 32  
the county paid to the testifying coroner, physician-employee, or 33  
forensic investigator for the time absent from county employment 34  
to prepare for and attend a deposition or to prepare for and 35  
appear as a witness. 36

(B) If a coroner or a physician or forensic investigator who 37  
is an employee of a coroner's office performed an autopsy or 38  
investigation for a coroner of another county who was in charge of 39  
the body that was the subject of the autopsy and investigation, 40  
and the performing coroner, physician-employee, or forensic 41  
investigator is deposed or called as a witness, the court shall 42  
award to the treasury of the county of that performing coroner, 43  
physician-employee, or forensic investigator the amount that the 44  
board of county commissioners of that county determines to be the 45  
approximate amount of the compensation, including fringe benefits, 46  
the county paid to the performing coroner, physician-employee, or 47  
forensic investigator for the time absent from county employment 48  
to prepare for and attend a deposition or to prepare for and 49  
appear as a witness. 50

(C) If the coroner contracted with a physician in private practice to perform an autopsy on behalf of the coroner, the court shall award the physician directly the amount necessary to compensate the physician for the physician's time spent to prepare for and appear at a deposition or as a witness.

As used in this section, "forensic investigator" means a person who specializes in forensic science, works under the direction of the county coroner, and provides information about the details and circumstances of an investigation to assist the coroner in determining the manner, mode, and cause of death of a deceased individual.