



# Ohio Legislative Service Commission

## Bill Analysis

David M. Gold

### H.B. 192

128th General Assembly  
(As Introduced)

**Reps.** Letson, Weddington, Ujvagi, Dodd, Hagan, Luckie, Harwood, Brown

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## BILL SUMMARY

- Provides that when a coroner, other physician, or forensic investigator testifies in a civil action about professional services performed by or on behalf of a coroner, a fee for testifying is to be taxed as costs and may include time spent in preparing for and attending a deposition or testifying in court.
- Specifies the county or person that is to be paid the costs that are taxed in a civil action for the testimony of a coroner, other physician, or forensic investigator concerning professional services performed by or on behalf of a coroner.

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## CONTENT AND OPERATION

### Witness fees and mileage in coroner's cases

Under existing law, a witness in a civil case is entitled to a fee of \$12 for each full day's attendance and \$6 for each half day's attendance at a court of record, mayor's court, or before a person authorized to take depositions and 10¢ for each mile necessarily traveled to and from the witness's place of residence to the place of giving testimony. These fees are taxed in the bill of costs. For attending a coroner's inquest, a witness is entitled to the same fees, but they are payable from the county treasury on the certificate of the coroner. (R.C. 2335.06(A) and (B).)

The bill provides that, notwithstanding the foregoing, when the coroner, another physician, or a forensic investigator is deposed or called as a witness in a civil action to testify about professional services, including, but not limited to, autopsies and toxicology interpretations or forensic investigations performed by or on behalf of the coroner, a fee for testifying is to be taxed as a cost. The fee may include time spent preparing for and attending a deposition as well as time spent preparing for and

testifying in court. Notwithstanding any other provision in the Revised Code governing the distribution of costs, the court must award costs as follows:

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

(2) If a coroner or a physician or forensic investigator who is an employee of a coroner's office performed an autopsy or investigation for a coroner of another county who was in charge of the body that was the subject of the autopsy and investigation, and the performing coroner, physician-employee, or forensic investigator is deposed or called as a witness, the court must award to the treasury of the county of that performing coroner, physician-employee, or forensic investigator the amount that the board of county commissioners of that county determines to be the approximate amount of the compensation, including fringe benefits, the county paid to the performing coroner, physician-employee, or forensic investigator for the time absent from county employment to prepare for and attend a deposition or to prepare for and appear as a witness.

(3) If the coroner contracted with a physician in private practice to perform an autopsy on behalf of the coroner, the court must 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. (R.C. 313.061.)

As used in the bill, "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 (R.C. 313.061).

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## HISTORY

ACTION	DATE
Introduced	05-26-09

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