

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
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BILL: **H.B. 459** DATE: **March 11, 2008**  
STATUS: **As Introduced** SPONSOR: **Rep. Hottinger**  
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**  
CONTENTS: **Modification of death certificate or coroner's verdict**

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## State Fiscal Highlights

- No direct fiscal effect on the state.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
<b>Counties</b>			
Revenues	Potential negligible loss in court costs and fees	Potential negligible loss in court costs and fees	Potential negligible loss in court costs and fees
Expenditures	Potential savings effect, likely to more than offset potential revenues lost	Potential savings effect, likely to more than offset potential revenues lost	Potential savings effect, likely to more than offset potential revenues lost

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **County expenditures.** If the bill were to reduce the number of petitions filed to modify a death certificate or coroner's verdict, or expedite the decision subsequent to such a filing, then presumably a potential saving effect is created, as certain county entities (coroner, prosecutor, and court of common pleas) will expend less time and effort on these matters. If one were able to quantify this potential savings, it appears unlikely to be significant in terms of dollars and cents, and is probably best viewed as permitting those county entities to more efficiently and effectively perform other duties and responsibilities.
- **County revenues.** If fewer petitions to modify a death certificate or coroner's certificate were filed, or subsequent to filing, decided in a timelier manner, then the court of common pleas may not generate a mix of court costs and fees that might otherwise have been collected from parties involved in the matter. That said, the amount of this revenue that might be lost to any given court of common pleas is likely to be negligible annually, especially in light of the fact that the filing of such petitions is an extremely rare occurrence.



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## ***Detailed Fiscal Analysis***

### **Overview**

For the purposes of this fiscal analysis, the bill most notably:

- Establishes procedures for the commencement, determination, and appeal of an action to change a death certificate or coroner's verdict.
- Limits the potential pool of interested parties who may petition for such a change.
- Requires that a petition to change a death certificate or coroner's verdict be filed within three years from the time of death.

### **Local fiscal effects**

Based on conversations with a member of the Ohio State Coroner's Association (OSCA), LSC fiscal staff learned that the filing of a petition in any given court of common pleas for the purpose of modifying a death certificate or coroner's verdict is extremely rare. According to the OSCA member, to their knowledge only two county coroners in the past 20 years have been named as respondents in the filing of such a petition, and the bill is not likely to make the filing of such a petition noticeably more or less rare than is already the case under current law and practice.

From LSC fiscal staff's perspective, the practical effect of the bill may be to make it less likely that certain parties will file a petition to modify a death certificate or coroner's verdict, or if filed, the court of common pleas may render a decision, including dismissal of the petition, in a timelier manner. For example, the bill: (1) defines "interested party," which is not defined in current law, and by doing so, limits the pool of persons who may petition the court, and (2) requires an interested party to file a petition within three years after the decedent's death, which in effect limits the window of opportunity given current law contains no time period within which such a petition must be filed.

### **County expenditures**

Generally, the county entities involved in handling a petition to modify a death certificate or coroner's verdict include the county coroner (as the respondent named in the petition), the county prosecutor (as the respondent's legal counsel), and the court of common pleas (as the petition's adjudicator). If, as noted, the bill were to reduce the number of petitions filed or expedite the decision subsequent to such a filing, then presumably a potential savings effect is created, as these county entities will expend less time and effort on these matters. If one were able to quantify this potential savings, it appears unlikely to be significant in terms of dollars and cents, and is probably best viewed as permitting those county entities to more efficiently and effectively perform other duties and responsibilities.

**County revenues**

If fewer petitions to modify a death certificate or coroner's certificate were filed, or subsequent to filing, decided in a timelier manner, then the court of common pleas may not generate a mix of court costs and fees that might otherwise have been collected from parties involved in the matter. That said, the amount of this revenue that might be lost to any given court of common pleas is likely to be negligible annually, especially in light of the fact that the filing of such petitions is an extremely rare occurrence.

**State fiscal effects**

The bill has no readily discernible fiscal implications for state revenues or expenditures.

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