



COUNTY ADVISORY BULLETIN

CAB

Published by: County Commissioners Association of Ohio

209 East State Street • Columbus, Ohio 43215-4309

Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

Bulletin 2016-06

September 2016

COUNTY CORONER LAW REVISION

APPLICABLE LEGISLATION: Sub. HB 240 (131st General Assembly)

REVISED CODE SECTIONS: Amends ORC Sections 9.15, 313.01, 313.02, 313.04, 313.05, 313.14, 313.161, and 325.15 and to repeal Section 313.141

LEAD SPONSORS: Representatives Stephen Huffman and Terry Johnson

HOUSE COSPONSORS: Hambley, Sweeney, Becker, Grossman, Blessing, Green, Sprague, Hill, Amstutz, Anielski, Antonio, Ashford, Boose, Brenner, Buchy, Burkley, Celebrezze, Dever, Dovilla, Hayes, G. Johnson, McClain, M. O'Brien, Perales, Retherford, Rogers, Ruhl, Ryan, Sears, Sheehy, Slaby, Slesnick, R. Smith, Strahorn, Thompson

SENATE COSPONSORS: Hottinger, Hackett, Brown, Uecker, LaRose, Beagle, Burke, Coley, Eklund, Hughes, Patton, Peterson, Seitz, Tavares

EFFECTIVE DATE: August 31, 2016

BULLETIN SUMMARY

On August 31, 2016, a new law dealing with many of the responsibilities, functions and pay structure of the office of county coroner became effective. The new law specifically revised how the office of coroner is to be filled when a vacancy cannot be accomplished by an election or an appointment. In this circumstance, commissioners may contract with another county's coroner to exercise the powers and perform the duties of their coroner. Until now, there has been no statutory solution to this matter. CCAO and the Ohio State Coroners Association are working together to develop a sample agreement.

Another important change that comes with the passage of HB 240 is the clarification that the state must pay the cost of an autopsy of an inmate who dies in a state correctional facility. For many years, the state had been paying for the cost of an autopsy of an

inmate. However, the state has recently indicated that there is no provision in the Ohio Revised Code that mandates the state pay for these costs.

Additionally, HB 240 will do the following:

1. Provide supplemental compensation for coroners who are forensic pathologists when certain conditions are met;
2. Permit coroners to return to private practice during their term and subsequently receive a lower compensation level;
3. Modify the definition of coroner to include medical examiners serving in charter counties;
4. Change the qualifications for holding office as a medical examiner of a charter county;
5. Permit coroners' investigators to be a law enforcement officer and to receive compensation for services in addition to any other allowable compensation;
6. Clarify the legal residence of a dead person to determine which entity is responsible for the burial should there be an unclaimed body;
7. Modify the procedures for the disposition of a firearm when a person meets death under certain circumstances.

This CAB will summarize the permanent changes to the functions and duties of the office of county coroner and provide additional compensation charts for county coroners. Exhibits at the end of this CAB include:

1. Compensation Charts for County Coroners (See Exhibit A);
2. A list of the pertinent affected statutes (See Exhibit B).

BACKGROUND

CCAO has worked closely with the Ohio State Coroners Association to develop solutions to many of the challenges facing counties and county coroners. Over the years, many counties have struggled to find and keep qualified physicians to take on the duties and responsibilities of the office of county coroner. Recently, there has also been a shortage of qualified candidates to run for the office. For the first time, multiple counties will not have any candidate on the ballot to run for coroner in November 2016.

Fortunately, Ohio's counties and coroners have been working together and sharing services for many years by contracting for one of the most expensive coroner services – the forensic autopsy. Ohio has created regional forensic pathology examination referral centers across the state. Cuyahoga, Franklin, Lucas, Montgomery, Hamilton, Licking, Stark and Summit County provide all of Ohio's 88 counties with forensic autopsy services.

The main reason that forensic autopsies are so expensive is the compensation for a certified forensic pathologist to conduct the autopsy. Just as there is an issue of finding and keeping qualified physicians to participate in public service, the same issue is present with certified forensic pathologists. Currently, forensic pathologists across the country are commanding a median annual salary of \$244,000. HB 240 changes the compensation for coroners who are certified forensic pathologists and for those coroners who additionally manage forensic autopsy centers. It is anticipated that this change will allow Ohio to keep and attract forensic pathologists.

Lastly, various technical changes have been included. One such update that needed clarification is to statutorily define “legal residence” to clear up any ambiguity in terms of the location at the time of a person’s death, including a nursing home, hospital, or other care facility. Another needed update is to clarify that charter county medical examiners, who act in the capacity of the county coroner for their respected charter county, are included in the definition of county coroner.

SYNOPSIS

Coroner vacancies

The law now allows a board of county commissioners to contract with another county's coroner to exercise the powers and perform the duties of the coroner when the office becomes vacant as a result of:

1. The death or resignation of a coroner and the vacant office is unable to be filled by election or appointment of a qualified resident of the county; or
2. No resident that meets the qualifications to be a coroner runs for the office, leaving the office unfilled after the election.

The county coroner with whom the board of county commissioners enters into a contract with may receive a supplemental payment for exercising powers and performing the duties of the office. Sections 313.01 through 313.22 of the Revised Code specifies the various powers and duties of the county coroner. These duties and powers include contracting for autopsy services to potentially appointing deputy coroners, investigators, and other staff¹. Staff salaries and services shall not exceed the amount fixed by the board of county commissioners for the coroner’s office². The act also stipulates that the contract cannot extend past the last day of the term for which there was a vacancy.³

Attorney General Opinion 1990-70 provides guidance to boards of county commissioners on the appointment of an acting coroner by the board prior to the office being filled by the county political central committee⁴. It also gives further guidance on the tenure of a deputy county coroner when the office becomes vacant. The opinion has determined that a deputy coroner’s appointment may not extend beyond the resignation of the coroner who appointed the deputy, which is codified in Section 3.06. The deputy may be re-appointed by the coroner’s successor.

¹ R.C. 313.05

² R.C. 313.05 (A)(4)

³ R.C. 313.04.

⁴ R.C. 305.02

CCAO recommends that the contract with another county's coroner be fully vetted by your county prosecutor to clearly define the powers and duties which are to be performed. Both parties should understand the expectations of the contract. We also recommend that the contract be entered into annually.

Supplemental compensation for coroners who are forensic pathologists

In order to retain forensic pathologists, those coroners who perform autopsies, the law has now designated ways to provide additional compensation for those coroners. This supplemental compensation is for two different groups of forensic pathologists. In order to receive additional compensation, the county coroner must meet new requirements.

Compensation is determined by county population and whether the coroner elects to engage in the private practice of medicine. The law requires that each coroner of a county with a population over 175,000 who does not engage in the private practice of medicine receive supplemental compensation of an additional 50% of the coroner's annual compensation in each calendar year in which the coroner's office satisfies all of the following:

1. The coroner's office operates as a regional forensic pathology examination referral center, and the operation generates sufficient coroner's laboratory fund income that exceeds the fund's expenses and is sufficient to provide the supplemental compensation;
2. The coroner is a forensic pathologist certified by the American Board of Pathology; and
3. The coroner performs a minimum of 75 post-mortem examinations annually.⁵

This section maintains county general revenue fund neutrality due to the fact that all "out of county" autopsy payments are retained in the coroner's "Special Lab Fund" (Section 313.16), and from this account is where the funds for additional compensation will come from.⁶ There are seven counties that operate a regional forensic pathology examination referral center, but only Montgomery County and Lucas County have elected coroners who are also a certified forensic pathologist.

But, if the coroner does not satisfy (1) or (3), the act authorizes, but does not require, the coroner to receive, on approval of the board of county commissioners, supplemental compensation of up to an additional 25% of the coroner's annual compensation in each calendar year in which the coroner is a board-certified forensic pathologist and is performing the county's forensic examinations.⁷

This section was added to encourage county coroners to become certified forensic pathologists in order to perform autopsies in their home county rather than contracting this service out.

⁵ R.C. 325.15(C).

⁶ R.C. 325.15 (C)(1)

⁷ R.C. 325.15(D).

Exhibit A of this bulletin provides detailed compensation charts and figures of the supplemental compensation beginning January 2017. However, the new statute becomes effective August 31, 2016. Any coroner who is appointed to office on or after August 31, 2016 and meets the criteria, would be eligible for the required or permissive supplemental compensation for the remainder of 2016.

Coroners who took office prior to August 31, 2016 must wait until their new term of office begins January 2017, which is the case in most circumstances. This is due to the Ohio Constitutional provision prohibiting legislatively enacted compensation adjustments in-term.

Notice regarding coroner's return to private practice

County coroners that serve a county with a population over 175,000, who engage in private practice of medicine while serving as the elected coroner receive a lower compensation level than those coroners who do not engage in private practice of medicine. This bifurcated compensation practice is generally used for county prosecutors and county engineers who engage in private practice in their professional field.

The law now allows a coroner in a county with a population exceeding 175,000, who originally elected not to engage in the private practice of medicine at the beginning of their term and take the higher compensation, to then elect to engage in private practice mid-term and receive a lower salary. The coroner must notify the board of county commissioners in writing of the coroner's intention to engage in private practice of medicine.

The notice must state the date on which the coroner will commence private practice, and must be given to the board at least 30 days before that date. On the date stated in the notice, the coroner will be compensated at the reduced rate that applies to a coroner with a private practice.⁸

This section does not negatively impact a county's general revenue fund due to the fact that the coroner will now receive a lower compensation level. For more information on county coroners' compensation please refer to Exhibit A: Coroners with a Private Practice and Coroners without a Private Practice.

Coroners of charter counties

To provide more clarity to the Revised Code in dealing with charter counties, the law updates the definition of "coroner" to include the medical examiner of a county. Both Cuyahoga and Summit counties, in their charters, have named their coroners "medical examiners." In addition, the act similarly defines "deputy coroner" to include a deputy medical examiner.⁹

To be eligible for the office of coroner under current law for a traditional statutory form of county government, a person must be:

⁸ R.C. 325.15(B)(2).

⁹ R.C. 313.01(B).

1. A physician who has been licensed to practice in Ohio *for at least two years* immediately before election or appointment as coroner; and
2. In good professional standing.

The act eliminates, for coroners of charter counties only, the two-year "licensed to practice in Ohio" requirement. For charter counties the law specifically defines the eligibility for the office of coroner to be a person licensed to practice as a physician in Ohio and in good standing.¹⁰

Costs of a state inmate's autopsy

The law prior to this act was clarified to fully define which entity, the state or the county, shall pay for the cost of an autopsy of an inmate who dies in a state correctional facility. The state is to pay for the full cost of an autopsy for any inmate who dies in their facility.¹¹ The law applies to both the Department of Rehabilitation and Correction (DRC) and the Department of Youth Services (DYS), and includes any private state correctional institute, as well as a private entity which DYS has contracted for institutional care and custody.¹²

The costs of the autopsy cannot be greater than the actual value of the transportation of the body, services of the technicians, and the facilities and materials used. Fees paid for the autopsies must be credited to the coroner's laboratory fund.¹³

Coroner investigators' compensation

The Ohio legislature previously had given the coroner the authority to hire staff, including deputy coroners, clerks and investigators.¹⁴ They also had given the coroner the ability to hire a deputy sheriff from their county or a law enforcement officer who worked for a local political subdivision within their county to serve as an investigator for the coroner.¹⁵ Concerns of dual compensation as well as Ohio Ethics Commission Advisory opinions on public officials engaging in outside employment created conflicts in using law enforcement officers as investigators.¹⁶

This section was updated to make a clarification that an investigator that is also a law enforcement officer may receive compensation from both their current employer and from the county coroner. An officer who is working as an investigator must clearly separate their additional duties to eliminate the possibility of dual compensation.¹⁷

¹⁰ R.C. 313.02(A)(2). Those counties may, under their home rule authority, designate additional eligibility requirements unless they are prohibited by their charters.

¹¹ R.C. 313.161(B)

¹² R.C. 313.161(B)(2)

¹³ R.C. 313.161(B)(1)

¹⁴ R.C. 313.05(A)(3)

¹⁵ R.C. 313.05(B)

¹⁶ Ohio Ethics Commission Advisory Opinions 96-004 & 2004-003

¹⁷ R.C. 313.05(B)

Legal residence of a dead person

The act updates Ohio Revised Code Section 9.15 that mandates which political subdivision must pay for the expense of the burial or cremation of an unclaimed body. The act defines "legal residence" as a permanent place of abode used or occupied as living quarters at the time of a person's death, including a nursing home, hospital or other care facility.¹⁸

The act did not make any other additions to Section 9.15. Existing law is still applicable for when an unclaimed body is found in a township or municipal corporation and the person was not an inmate of a correctional, benevolent or charitable institution of Ohio, or the body is not delivered for medical or surgical study or dissection. The political subdivision in which the dead person had a legal residence must dispose of the body and pay for the burial, as follows:

1. If the person was a legal resident of the county, the township or municipality in which the person's body was found must cause the body to be buried or cremated at the expense of the entity in which the person had a legal residence at the time of death.
2. If the person had a legal residence in another Ohio county at the time of death, the superintendent of the county home of the county in which the body was found must cause it to be buried or cremated at the expense of the township or municipality in which the person had a legal residence at the time of death.
3. If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in Ohio, or the person's legal residence is unknown, the superintendent must cause the person to be buried or cremated at the expense of the county.

The political subdivision also must provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone or concrete marker on which the person's name and age, if known, and date of death must be inscribed. A political subdivision also maintains its duty to bury or cremate a person at its expense when the body is claimed by an indigent person.¹⁹

Unchanged by the act, a county maintains its duty, through the county veteran service commission, to contract and pay for the expense up to \$1,000²⁰ for burial of indigent veteran, their parent or spouse under Ohio Revised Code Sections 5901.25 through 5901.32. It is recommended that political subdivisions work with the county veteran service commission to determine if the person was a veteran.

¹⁸ R.C. 9.15

¹⁹ R.C. 9.15.

²⁰ R.C. 5901.26

Disposition of deceased person's firearm

The act updated Ohio Revised Code Section 313.14 which mandates a coroner to take possession all money, clothes and personal effects, including firearms of a body which is unclaimed and that died under one of the following circumstances:

1. As a result of criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner,
2. When any person, including a child under two years old, dies suddenly when in apparent good health, or
3. When any developmentally disabled person dies regardless of the circumstances. The coroner must store the personal effects in the coroner's office or in storage the board of county commissioners provides.

The coroner is required under Section 313.14 to sell the personal effects at public auction, except for any firearms. The act repealed Section 313.141 which required that the firearms had to be used for law enforcement purposes only or be destroyed.

The law now requires that the coroner deliver the deceased person's firearm to the police chief of the municipality within which the body is found, or to the sheriff of the county if the body is not found within a municipality. The coroner is to be given a receipt for the firearm, and the firearm must be used for evidentiary purposes only.

Further, the law now establishes a procedure for the next of kin or other relative to be given the firearm once it is no longer needed for evidentiary purposes. The firearm can only be given to a person who may lawfully possess a firearm. A record must be kept that includes the person who the firearm is given to, the date the firearm was given to the person, and an accurate description of the firearm.

If a next of kin or other relative does not request the firearm or is not entitled to possess it, the firearm must be used at the discretion of the police chief or sheriff.

ACKNOWLEDGEMENTS

This County Advisory Bulletin (CAB) was prepared by CCAO. We would like to thank David Corey, Executive Director of the Ohio State Coroners Association and their members that provided valuable comments which improved this bulletin. We also received valuable insight and comments from many county administrators. The CAB was also reviewed by the State Auditor's office, which provided comments on the county coroner pay tables. Questions or comments should be directed to Brian Mead, Policy Analyst, at bmead@ccao.org who was the primary responsible for the preparation of this CAB. A special thanks and appreciation go to Cheryl Subler, Managing Director of Policy and Brad Cole, Managing Director of Research for their support, comments and supervision on this CAB.

EXHIBIT A

Coroners with a Private Practice

| Class Number | Population Range | 2017 Calendar Year Salary |
|--------------|---------------------|---------------------------|
| 1 | 1 -55,000 | \$30,993 |
| 2 | 55,001 – 95,000 | 45,384 |
| 3 | 95,001 – 200,000 | 56,458 |
| 4 | 200,001 – 400,000 | 69,739 |
| 5 | 400,001 – 1 million | 78,594 |
| 6 | Over 1 million | 83,310 |

* Class 3 for Coroners without a Private Practice begins with a population of 175,001, unlike Class 3 for the other county elected officials. This difference is due to the fact that the law only allows coroners in counties with a population of 175,001 or more to have the option to earn a higher salary in exchange for forgoing a private practice.

Coroners without a Private Practice

| Class Number | Population Range | 2017 Calendar Year Salary |
|--------------|---------------------|---------------------------|
| 1 | 1 -55,000 | NA |
| 2 | 55,001 – 95,000 | NA |
| 3* | 95,001 – 175,000 | NA |
| 3* | 175,001-200,000 | \$127,563 |
| 4 | 200,001 – 400,000 | 127,563 |
| 5 | 400,001 – 1 million | 130,661 |
| 6 | Over 1 million | 133,759 |

* Class 3 for Coroners without a Private Practice begins with a population of 175,001, unlike Class 3 for the other county elected officials. This difference is due to the fact that the law only allows coroners in counties with a population of 175,001 or more to have the option to earn a higher salary in exchange for forgoing a private practice.

**Coroners without a Private Practice, and Certified Pathologist
(Permissive 25% Supplemental Compensation)**

- The coroner is a forensic pathologist certified by the American Board of Pathology;
- Performs forensic examinations of the county; and
- Does not operate a regional forensic pathology examination referral center

May receive supplemental compensation of up to an additional 25 % of their annual compensation, on approval of the board of county commissioners

| Class Number | Population Range | 2017 Calendar Year Salary | Permissive Supplemental Compensation – can be <u>up to 25%</u> of Base Salary – figure below represents 25% of Base Salary | Possible 2017 Total Compensation if a full 25% supplemental compensation is allowed by Board of County Commissioners |
|--------------|---------------------|---------------------------|--|--|
| 1 | 1 -55,000 | NA | NA | NA |
| 2 | 55,001 – 95,000 | NA | NA | NA |
| 3* | 95,001 – 175,000 | NA | NA | NA |
| 3* | 175,001-200,000 | \$127,563 | \$31,891 | \$159,454 |
| 4 | 200,001 – 400,000 | 127,563 | 31,891 | 159,454 |
| 5 | 400,001 – 1 million | 130,661 | 32,665 | 163,326 |
| 6 | Over 1 million | 133,759 | 33,440 | 167,199 |

* Class 3 for Coroners without a Private Practice begins with a population of 175,001, unlike Class 3 for the other county elected officials. This difference is due to the fact that the law only allows coroners in counties with a population of 175,001 or more to have the option to earn a higher salary in exchange for forgoing a private practice.

Coroners without a Private Practice, Certified Pathologist, and Operates a Regional Forensic Pathology Examination Referral Center

(50% Supplemental Compensation)

- The coroner is a forensic pathologist certified by the American Board of Pathology;
- Must perform a minimum of 75 post mortem examinations annually
- Coroner office operation must generate revenue for their laboratory fund for purposes of Section 313.16 of the Revised Code that is in excess of the fund's expenses and is sufficient to provide the supplemental compensation.

Shall receive and additional supplemental compensation of 50 % of their annual compensation.

| Class Number | Population Range | 2017 Calendar Year Salary | Supplement Compensation – 50% of Base Salary | 2017 Total Compensation |
|---------------------|----------------------------|----------------------------------|---|--------------------------------|
| 1 | 1 -55,000 | NA | NA | NA |
| 2 | 55,001 – 95,000 | NA | NA | NA |
| 3* | 95,001 – 175,000 | NA | NA | NA |
| 3* | 175,001-200,000 | \$127,563 | \$63,782 | \$191,345 |
| 4 | 200,001 – 400,000 | 127,563 | 63,782 | 191,345 |
| 5 | 400,001 – 1 million | 130,661 | 65,331 | 195,992 |
| 6 | Over 1 million | 133,759 | 66,880 | 200,639 |

* Class 3 for Coroners without a Private Practice begins with a population of 175,001, unlike Class 3 for the other county elected officials. This difference is due to the fact that the law only allows coroners in counties with a population of 175,001 or more to have the option to earn a higher salary in exchange for forgoing a private practice.

EXHIBIT B

HB 240 CHANGES TO OHIO'S CORONER LAW

**OHIO REVISED CODE SECTIONS 9.15, 313.01, 313.02, 313.04, 313.05, 313.14,
313.161, and 325.15**

AS ENACTED BY SUB. HB 240 OF THE 131ST GENERAL ASSEMBLY

EFFECTIVE AUGUST 31, 2016

Sec. 9.15. As used in this section, "legal residence" means a permanent place of abode used or occupied as living quarters at the time of a person's death, including a nursing home, hospital, or other care facility.

When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person. As used in this section, "indigent person" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

Sec. 313.01. (A) A coroner shall be elected quadrennially in each county, who shall hold ~~his~~ office for a term of four years, beginning on the first Monday of January next after ~~his~~ election.

(B) As used in the Revised Code, unless the context otherwise requires, "~~coroner~~":

(1) "Coroner" means the coroner or medical examiner of the county in which death occurs or the dead human body is found.

(2) "Deputy coroner" means the deputy coroner or deputy medical examiner of the county in which death occurs or the dead human body is found.

Sec. 313.02. (A) ~~No~~ (1) Except as provided in division (A) (2) of this section, no person shall be eligible to the office of coroner except a physician who has been licensed to practice as a physician in this state for a period of at least two years immediately preceding election or appointment as a coroner, and who is in good standing in the person's profession, or is a person who was serving as coroner on October 12, 1945.

(2) No person shall be eligible to the office of coroner of a charter county except a physician who is licensed to practice as a physician in this state and who is in good standing in the person's profession.

(B)(1) Beginning in calendar year 2000 and in each fourth year thereafter, each newly elected coroner, after the general election but prior to commencing the term of office to which elected, shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the Ohio state coroners association. Within ninety days after appointment to the office of coroner under section 305.02 of the Revised Code, the newly appointed coroner shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the association. Hours of continuing education completed under the requirement described in division (B)(1) of this section shall not be counted toward fulfilling the continuing education requirement described in division (B)(2) of this section.

As used in division (B)(1) of this section, "newly elected coroner" means a person who did not hold the office of coroner on the date the person was elected coroner.

(2) Except as otherwise provided in division (B)(2) of this section, beginning in calendar year 2001, each coroner, during the coroner's four-year term, shall attend and successfully complete thirty-two hours of continuing education at programs sponsored by the Ohio state coroners association. Except as otherwise provided in division (B)(2) of this section, each coroner shall attend and successfully complete twenty-four of these thirty-two hours at statewide meetings, and eight of these thirty-two hours at regional meetings, sponsored by the association. The association may approve attendance at continuing education programs it does not sponsor but, if attendance is approved, successful completion of hours at these programs shall be counted toward fulfilling only the twenty-four-hour requirement described in division (B)(2) of this section.

(3) Upon successful completion of a continuing education program required by division (B)(1) or (2) of this section, the person who successfully completes the program shall receive from the association or the sponsoring organization a certificate indicating that the person successfully completed the program.

Sec. 313.04. When the coroner is absent temporarily from the county, or when on duty with the armed services of the United States, the state militia, or the American red cross, or when unable to discharge the duties of ~~his~~ the office of coroner, such coroner may appoint a person with the necessary qualifications to act as coroner during such absence, service, or disability.

When there is a vacancy in the coroner's office as a result of death or resignation and the vacancy cannot be filled by election or appointment as provided in section 305.02 of the Revised Code, or if no one runs for the office of coroner and, for that reason, the office is vacant, the board of county commissioners may contract with another county's coroner to exercise the powers and perform the acts, duties, or functions of the coroner. In addition to the applicable amounts of compensation specified in sections 325.15 and 325.18 of the Revised Code, the coroner with whom the board contracts may receive a supplemental

payment for services rendered. The duration of the contract shall not extend beyond the last day of the term for which there was a vacancy.

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

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

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

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

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

(B)(1) A coroner may appoint, as a deputy coroner, as a pathologist serving as a deputy coroner, or as a technician, stenographer, secretary, clerk, custodian, investigator, or other employee a person who is an associate of, or who is employed by, the coroner or a deputy coroner in the private practice of medicine in a partnership, professional association, or other medical business arrangement. A coroner

(2) A coroner may appoint, as an investigator, a deputy sheriff within the county or a law enforcement officer of a political subdivision located within the county. The deputy sheriff or law enforcement officer appointed as an investigator may receive compensation for services performed as an investigator in addition to any other compensation allowed by law.

Sec. 313.14. (A) The coroner shall notify any known relatives of a deceased person who meets death in the manner described by section 313.12 of the Revised Code by letter or otherwise. The next of kin, other relatives, or friends of the deceased person, in the order named, shall have prior right as to disposition of the body of such deceased person. If relatives of the deceased are unknown, the coroner shall make a diligent effort to ascertain the next of kin, other relatives, or friends of the deceased person. The coroner shall take charge and possession of all moneys, clothing, and other valuable personal effects of such deceased person, found in connection with or pertaining to such body, and shall store such possessions in the county coroner's office or such other suitable place as is provided for such storage by the board of county commissioners. If the coroner considers it advisable, ~~he the coroner may,~~ after taking adequate precautions for the security of such possessions, store the possessions where ~~he the coroner~~ finds them until other storage space becomes available. ~~After~~

(B) In cases in which the cost of the burial is paid by the county, after using such of the clothing as is necessary in the burial of the body, in case the cost of the burial is paid by the county, the coroner shall sell at public auction the valuable personal effects of such deceased persons, found in connection with or pertaining to the unclaimed dead body, except firearms, which shall be disposed of as provided by in division (C) of this section 313.141 of the Revised Code, and he, The coroner shall make a verified inventory of such effects. Such effects and they shall be sold

within eighteen months after burial, or after delivery of such body in accordance with section 1713.34 of the Revised Code. All moneys derived from such sale shall be deposited in the county treasury. A notice of such sale shall be given in one newspaper of general circulation in the county, for five days in succession, and the sale shall be held immediately thereafter. The cost of such advertisement and notices shall be paid by the board upon the submission of a verified statement therefor, certified to the coroner.

(C) If a firearm is included in the personal effects of a deceased person who meets death in the manner described by section 313.12 of the Revised Code, the coroner shall deliver the firearm to the chief of police of the municipal corporation within which the body is found, or to the sheriff of the county if the body is not found within a municipal corporation. Upon delivery of the firearm to the chief of police or the sheriff, the chief of police or sheriff shall give the coroner a receipt for the firearm that states the date of delivery and an accurate description of the firearm. The firearm shall be used for evidentiary purposes only.

The deceased person's next of kin or other relative may request that the firearm be given to the next of kin or other relative once the firearm is no longer needed for evidentiary purposes. The chief of police or the sheriff shall give the firearm to the next of kin or other relative who requested the firearm only if the next of kin or other relative may lawfully possess the firearm under applicable law of this state or the United States. The chief of police or the sheriff shall keep a record identifying the next of kin or other relative to whom the firearm is given, the date the firearm was given to the next of kin or other relative, and an accurate description of the firearm.

If a next of kin or other relative does not request the firearm or is not entitled to possess the firearm, the firearm shall be used at the discretion of the chief of police or the sheriff.

(D) This section does not invalidate section 1713.34 of the Revised Code.

Sec. 313.161. (A) Whenever an autopsy is performed, and the injury causing death occurred within the boundaries of a county other than the one in which the autopsy was performed, such other county shall pay the costs of the autopsy. The cost of such autopsy shall be no greater than the actual value of the services of the technicians and materials used. Money derived from the fees paid for such autopsies shall be credited to the coroner's laboratory fund created in section 313.16 of the Revised Code.

(B)(1) Whenever an autopsy is performed, and the person who died was an inmate of a state correctional facility, the department of rehabilitation and correction or the department of youth services, as appropriate, shall pay the costs of the autopsy. The costs of the autopsy shall be no greater than the actual value of the transportation of the body, services of the technicians, and the facilities and materials used. Money derived from the fees paid for such autopsies shall be credited to the coroner's laboratory fund created in section 313.16 of the Revised Code.

(2) As used in this division, "state correctional facility" means a "state correctional institution," as defined in section 2967.01 of the Revised Code, a state correctional institution that is privately operated and managed pursuant to section 9.06 of the Revised Code, and an "institution," as defined in section 5139.01 of the Revised Code.

Sec. 325.15. (A) Each coroner shall be classified, for salary purposes, according to the population of the county. All coroners shall receive annual compensation in accordance with the following schedules and in accordance with section 325.18 of the Revised Code:

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2001 FOR
CORONERS WITH A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 1 | 1 - 20,000 | \$18,842 |
| 2 | 20,001 - 35,000 | \$21,410 |
| 3 | 35,001 - 55,000 | \$23,978 |
| 4 | 55,001 - 95,000 | \$35,112 |
| 5 | 95,001 - 200,000 | \$43,676 |
| 6 | 200,001 - 400,000 | \$53,951 |
| 7 | 400,001 - 1,000,000 | \$60,803 |
| 8 | 1,000,001 or more | \$64,451 |

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2001 FOR CORONERS WITHOUT A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 5 | 175,001 - 200,000 | \$98,689 |
| 6 | 200,001 - 400,000 | \$98,689 |
| 7 | 400,001 - 1,000,000 | \$101,085 |
| 8 | 1,000,001 or more | \$103,480 |

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2016 FOR
CORONERS WITH A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 1 | 1 - 20,000 | \$23,195 |
| 2 | 20,001 - 35,000 | \$26,357 |
| 3 | 35,001 - 55,000 | \$29,518 |
| 4 | 55,001 - 95,000 | \$43,223 |
| 5 | 95,001 - 200,000 | \$53,769 |
| 6 | 200,001 - 400,000 | \$66,418 |
| 7 | 400,001 - 1,000,000 | \$74,851 |
| 8 | 1,000,001 or more | \$79,343 |

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2016 FOR
CORONERS WITHOUT A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 5 | 175,001 - 200,000 | \$121,488 |
| 6 | 200,001 - 400,000 | \$121,488 |
| 7 | 400,001 - 1,000,000 | \$124,439 |
| 8 | 1,000,001 or more | \$127,389 |

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2017 AND THEREAFTER FOR

CORONERS WITH A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 1 | 1 - 55,000 | \$30,993 |
| 2 | 55,001 - 95,000 | \$45,384 |
| 3 | 95,001 - 200,000 | \$56,458 |
| 4 | 200,001 - 400,000 | \$69,739 |
| 5 | 400,001 - 1,000,000 | \$78,594 |
| 6 | 1,000,001 or more | \$83,310 |

CLASSIFICATION AND COMPENSATION SCHEDULE
FOR CALENDAR YEAR 2017 AND THEREAFTER FOR
CORONERS WITHOUT A PRIVATE PRACTICE

| Class | Population Range | Compensation |
|-------|---------------------|--------------|
| 3 | 175,001 - 200,000 | \$127,563 |
| 4 | 200,001 - 400,000 | \$127,563 |
| 5 | 400,001 - 1,000,000 | \$130,661 |
| 6 | 1,000,001 or more | \$133,759 |

(B)(1) A coroner in a county with a population of one hundred seventy-five thousand one or more shall not engage in the private practice of medicine unless, before taking office, the coroner notifies the board of county commissioners of the intention to engage in that private practice. A

~~A coroner in such a county with a population of one hundred seventy five thousand one or more shall elect to engage or not to engage in the private practice of medicine before the commencement of each new term of office, and a~~ A coroner in such a county who engages in the private practice of medicine, but who intends not to engage in the private practice of medicine during the coroner's next term of office, shall so notify the board of county commissioners as specified in this division. For a period of six months after taking office, a coroner who elects not to engage in the private practice of medicine may engage in the private practice of medicine, without any reduction of the salary compensation as provided in division (A) of this section and in section 325.18 of the Revised Code, for the purpose of concluding the affairs of the coroner's private practice of medicine.

(2) A coroner in a county with a population of one hundred seventy-five thousand one or more who elects not to engage in the private practice of medicine under division (B)(1) of this section may, during the coroner's term of office, elect to engage in the private practice of medicine by notifying the board in writing of the intention to so engage. The notice shall state the date on which the coroner will commence the private practice of medicine and shall be given to the board at least thirty days before that date. On the date stated in the notice, the coroner's compensation shall be reduced as provided in division (A) of this section and in section 325.18 of the Revised Code for coroners with a private practice.

(C) Each coroner who is the coroner in a county with a population of one hundred seventy- five thousand one or more and who is without a private practice of medicine shall receive supplemental compensation of an additional fifty per cent of the annual compensation calculated under division (A) of this section and section 325.18 of the Revised Code in each calendar year in which the office of the coroner satisfies all of the following:

(1) The office operates as a regional forensic pathology examination referral center, and the operation generates coroner's laboratory fund income, for purposes of section 313.16

of the Revised Code, that is in excess of the fund's expenses and is sufficient to provide the supplemental compensation specified in division (C) of this section;

(2) The coroner is a forensic pathologist certified by the American board of pathology; and

(3) The coroner performs a minimum of seventy-five post mortem examinations annually.

(D) Each coroner who is the coroner in a county with a population of one hundred seventy- five thousand one or more and who is without a private practice of medicine and does not operate a regional forensic pathology examination referral center may, on approval of the board of county commissioners, receive supplemental compensation of up to an additional twenty- five per cent of the annual compensation calculated under division (A) of this section and section 325.18 of the Revised Code in each calendar year in which the coroner is a forensic pathologist certified by the American board of pathology and is performing the forensic examinations of the county.

SECTION 2. That existing sections 9.15, 313.01, 313.02, 313.04, 313.05, 313.14, 313.161, and 325.15 and section 313.141 of the Revised Code are hereby repealed.