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Bill Analysis
Legislative Service Commission

H.B. 471
127th General Assembly
(As Introduced)

Reps. Setzer, Gibbs, Combs

BILL SUMMARY

- Specifies that certain records of a decedent relating to the criminal investigation of the decedent's death are not public records.
- Authorizes the coroner to hire local law enforcement officers as investigators, to use money in the coroner's laboratory fund for administration of the laboratory, and to dispose of controlled substances found at the scene of an investigation the coroner conducts, if the controlled substances are no longer needed for investigative or scientific purposes.
- Provides supplemental annual compensation to full-time coroners in counties with a population exceeding 175,000 whose offices perform autopsies under contract for at least ten other counties.

CONTENT AND OPERATION

Certain coroner's records not public records

Current law generally states that the records of the coroner made personally by the coroner or by anyone acting under the coroner's direction or supervision are public records. Certain of the coroner's records, however, are not public records. The bill also provides that the following coroner's records are not public records: (1) the records of a deceased individual whose death is believed to be related to the actions of another person and believed to result potentially in the filing of criminal charges or the investigation of which remains ongoing or open and (2) laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16 (R.C. 313.10(A)(2)(e) and (f)).

The bill also specifies that the coroner of the county where a death occurred is responsible for the release of all public records relating to that death (R.C. 313.10(A)(1)).

Coroner's appointments

Current law authorizes the coroner to 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. The bill also allows the coroner to appoint, as an investigator, a deputy sheriff within the county or a law enforcement officer of a political subdivision located within the county. (R.C. 313.05(B).)

Use of money in the coroner's laboratory fund

Existing law requires that money derived from fees paid for examinations conducted by a coroner's laboratory be kept in a special fund, for the use of the coroner's laboratory. These funds must be used to purchase necessary supplies and equipment for the laboratory. The bill further allows these funds to be used to pay associated costs incurred in the administration of the laboratory at the coroner's discretion. (R.C. 313.16.)

Supplemental compensation for certain coroners

Current law establishes annual compensation for coroners based on the population of the coroner's county. Coroners who are elected from counties with a population that exceeds 175,000 and who are without a private practice receive higher compensation than those coroners who retain a private practice. (R.C. 325.15(A).)

Under the bill, coroners who are elected from counties with a population that exceeds 175,000 and who are without a private practice will receive supplemental compensation equal to 25% of their annual salary in each calendar year in which the office of the coroner performs autopsies for at least ten other counties under a contract with those counties. This supplemental compensation is to be paid from the coroner's laboratory fund. (R.C. 325.15(B).)

Disposition of controlled substances

The bill authorizes the coroner to secure, catalog, record, and then destroy any controlled substances found at the scene of an investigation the coroner conducts, if the controlled substances are no longer needed for investigative or scientific purposes (R.C. 313.211).

HISTORY

ACTION

DATE

Introduced

02-06-08

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