

# Fiscal Note & Local Impact Statement

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

Ohio Legislative Service Commission  
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BILL: **Am. H.B. 471** DATE: **December 10, 2008**  
STATUS: **As Reported by House State Government** SPONSOR: **Rep. Setzer**  
LOCAL IMPACT STATEMENT REQUIRED: **Yes**  
CONTENTS: **To revise the Coroner's Law**

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## State Fiscal Highlights

- No direct fiscal effect on the state.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 - FUTURE YEARS
<b>Counties – Coroner's Laboratory Fund</b>	
Revenues	- 0 -
Expenditures	Potential decrease in investigation costs and public record costs

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

- The bill restricts the types of coroner's records which are considered to be public records. This restriction would most likely decrease the number of public records that need to be produced by the coroner's office, and could lead to reduced administrative expenses.
- The bill allows coroners to appoint law enforcement officials from within the county to be investigators. This could allow coroners to utilize local law enforcement officials instead of contracting with a qualified private individual, thus reducing investigative costs.



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## *Detailed Fiscal Analysis*

### **Coroner's Law revisions**

The bill makes several changes to provisions in the Coroner's Law. The bill makes changes in the following areas: (1) coroner records, (2) coroner appointments, (3) use of money in the coroner laboratory fund, and (4) disposition of controlled substances. With the exception of the last item, all of these provisions have fiscal effects.

### **Coroner records**

The bill adds two new types of records to those already not public record under existing law: (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. 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, instead of the coroner where the autopsy was performed. Restricting which records are public could result in a minimal decrease in expenses for county coroners if they do not have to produce these records upon request. Clarifying who is ultimately responsible for the public records of a death would mean that any costs associated with maintaining those records that one county coroner might incur would simply be shifted to another county coroner.

### **Coroner 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. Using law enforcement officers within the county for investigations could reduce the need for a coroner to pay a qualified private sector individual to assist in investigations.

### **Use of money in coroner's laboratory fund**

Current 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.

Generally, the coroner's office is funded through the fees described above as well as through a county's general fund. By allowing a coroner to use money in the laboratory fund for administrative costs, there could be a reduction in the amount of general fund money that may

need to be allocated for that purpose. Presumably, this provision would only be applicable in counties where the coroner has accrued enough fees to pay some administrative costs of the office.

**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. This process has been the standard current practice for coroners. The bill gives express authority for this practice to continue, and has no fiscal impact.

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