

## OPINION NO. 70-057

## Syllabus:

When a person dies as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health or in any suspicious or unusual manner and action is pending or anticipated to administer such person's estate, the\* coroner should deliver property of such person, including fire-arms, to the executor or administrator rather than to a chief of police or sheriff.

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To: Bernard W. Freeman, Huron County Pros. Atty., Norwalk, Ohio  
By: Paul W. Brown, Attorney General, May 14, 1970

You have requested my opinion with respect to an interpretation of Section 313.14 of the Revised Code under the following circumstances:

"John Doe committed suicide. In his possession found by the coroner was a rather valuable gun. His widow was appointed Administratrix of his estate and he is in no way indigent."

Your question is:

"Is the coroner authorized under this section to deliver the gun to the sheriff or police officer or should said gun be surrendered to the Administrator or Executor of the estate?"

The section involved deals with persons who died "\* \* \* as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health, or in any suspicious or unusual manner \* \* \*" as prescribed in Sections 313.11 and 313.12 of the Revised Code. In its first two sentences, Section 313.14, supra, provides for disposition of the body of the deceased person by "\* \* \* next of kin, other relatives or friends \* \* \*." It then, even though without immediate parenthetical separation, deals for the balance of the section with what shall be done in the event relatives of the deceased are unknown. In pertinent part, it provides:

"\* \* \* If relatives of the deceased are unknown \* \* \* The coroner shall take charge and possession of all moneys, clothing, and other valuable effects of such deceased person \* \* \*. 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 person \* \* \* except fire-arms \* \* \*."

"In the event that firearms are included in the valuable personal effects, such firearms shall not be sold at public auction by the coroner, but shall be destroyed by him \* \* \*.

"If the coroner deems it advisable, firearms coming into his possession may be delivered by him to the chief of police of the city within which such body is found, or to the sheriff of the county if the body is found outside the city \* \* \*."

It would appear that the legislature intended that where an individual dies under circumstances set forth in Sections 313.11 and 313.12, supra, and there are no known relatives, his valuable personal effects shall be sold at public auction except for firearms. It was not the intention of the legislature to deprive known heirs of a valuable asset of an estate, even though such asset be firearms. Phrased in another manner, where there are known relatives or next of kin and there are valuable assets which would constitute the corpus of an estate, there is no reason for the coroner to conduct a public auction to dispose of such assets.

It is therefore my opinion and you are hereby advised that when a person dies as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health or in any suspicious or unusual manner and action is pending or anticipated to administer such person's estate, the coroner should deliver property of such person, including firearms, to the executor or administrator rather than to a chief of police or sheriff.