

Note from the Attorney General's Office:

1967 Op. Att'y Gen. No. 67-080 was overruled by
1989 Op. Att'y Gen. No. 89-039.

OPINION NO. 67-080**Syllabus:**

The county within which boundaries the death occurs is liable for the costs of an autopsy performed by its county coroner, even though the fatal injury was inflicted upon the deceased within the boundaries of another county.

To: Henry P. Mittelkamp, Putnam County Pros. Atty., Ottawa, Ohio
By: William B. Saxbe, Attorney General, August 10, 1967

I have before me your request for my opinion which reads

in part as follows:

"Where death results in one county from a casualty happening in another county, and an autopsy is performed on order of the coroner of the county in which the death occurred, which county is liable for payment of the costs incurred for the autopsy?"

Your letter refers to Opinion No. 470, Opinions of the Attorney General for 1963, which defined Section 313.01, Revised Code, as it existed at that time. Absent the express provisions of the 1965 amendment, that opinion, following the general rules of construction, properly construed Section 313.01, supra, in accordance with common law principles in force at the time of its enactment. Such traditional construction gave authority to hold an inquest by the coroner within whose county the deceased received the injury causing his death.

As your letter further points out, however, Section 313.01, supra, has been amended by this additional paragraph:

"As used in the Revised Code, unless the context otherwise requires, 'coroner' means the coroner of the county in which the death occurs or the dead human body is found."

This amendment, effective November 4, 1965, provides an explicit definition of coroner which supersedes the common law construction. A problem somewhat analogous to the present question confronted another county shortly after the amendment took effect. There, the fact situation involved a person who was injured in one county, but pronounced dead on arrival at a hospital in another county, and the exact place or time of death could not be ascertained. As I stated in paragraph two of the syllabus of Opinion No. 182, Opinions of the Attorney General for 1965, page 403, in such case "it is the coroner of the county in which there was acquired first knowledge of such death who must sign the certificate of death", in this instance, the coroner of the county in which the deceased was pronounced dead. This jurisdictional ruling is based upon the place of death, as can best be determined, rather than upon the place of injury, thereby unmistakably setting aside common law interpretation in favor of the legislative definition.

Opinion No. 182, supra, implies an overruling of paragraph one of the syllabus of Opinion No. 470, supra, which reads as follows:

"1. Where death results in one county from casualty or suspicious circumstances occurring in another county, the coroner within whose jurisdiction the injury causing death occurred is authorized to conduct the inquest and the inquest must be held in that county. (Syllabi two and three, Opinion No. 37, Opinions of the Attorney General for 1923. [Pages 19, 20] are hereby overruled.)"

The 1965 amendment supersedes paragraph one of the syllabus of Opinion No. 470, supra, and makes applicable again paragraphs two and three of the syllabus of Opinion No. 37, supra. Paragraph two of Opinion No. 37, supra, reads in part: "Jurisdiction of coroner limited to county. Inquest to be held by coroner in whose county body is found." Paragraph three of that opinion answers directly the problem at hand, to wit:

"Where person is injured by unlawful act in one county and is removed to another county and there dies as a result of such unlawful act, the coroner in the county in which such person dies has jurisdiction and is required to hold inquest."

Section 313.01, supra, as amended in 1965, and Opinion No. 37, supra, by defining the jurisdiction of the coroner, clarify as well as coincide with the other provisions of Chapter 313, Revised Code.

Therefore, it is my opinion and you are hereby advised that the county within which boundaries the death occurs is liable for the costs of an autopsy performed by its county coroner, even though the fatal injury was inflicted upon the deceased within the boundaries of another county.