

OPINION NO. 89-039**Syllabus:**

1. Where an injury of a person occurred in one county resulting in that person's death in another county, the coroner of the county in which the death occurred has exclusive jurisdiction to order an autopsy.
2. Where an autopsy is performed in the county in which a death occurred as a result of an injury in another county, R.C. 313.161 requires the county in which the injury occurred to pay the costs of the autopsy. (1967 Op. Att'y Gen. No. 67-080 overruled.)

To: William F. Schenck, Greene County Prosecuting Attorney, Xenia, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, June 8, 1989

I have before me your request for my opinion regarding the application of R.C. 313.161. You indicate that accidents or other occurrences may cause injury to an individual in Greene County. As a result of these injuries, the individual may be transported to medical care in another county where that individual subsequently dies from the injuries sustained in Greene County. You have asked whether Greene County must pay the costs of the autopsy performed at the direction of the coroner in the other county.

R.C. 313.01, which establishes the office of county coroner, states:

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.

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

The definitional portion of R.C. 313.01 expressly assigns jurisdiction. The presence of a dead body or the site of a death in a particular county is the factor that causes a coroner's jurisdiction to attach in a particular case. 1972 Op. Att'y Gen. No. 72-037 at 2-142 ("the law in Ohio is that the coroner of the county in which a dead body is first discovered under suspicious circumstances has jurisdiction to conduct the inquest"). Thus, it is implicit in 313.01 that the coroner of the county in which the injury occurred is without jurisdiction unless the death transpired there.

When an unexplained death in the county is brought to the attention of a coroner, the coroner must determine the cause, manner, and mode of death. R.C. 313.19. Pursuant to R.C. 313.12, a coroner's jurisdiction attaches only if 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." 1972 Op. Att'y Gen. No. 73-123. To make the required determinations, a coroner has broad authority to gather information and to hold an inquest. *See generally* R.C. 313.11; R.C. 313.13; R.C. 313.17; 1988 Op. Att'y Gen. No. 88-035. As part of the investigation, a coroner is specifically empowered to conduct an autopsy. R.C. 313.13.

The Ohio General Assembly has expressly addressed the issue of costs of an autopsy where the death and the injury causing the death occurred in two different counties, by enacting R.C. 313.161, which states:

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.

Thus, the rule is that the cost of an autopsy is paid by the county in which the injury occurred rather than by the county in which the death occurred or in which the dead body was found. R.C. 313.161, effective November 6, 1969, explicitly invalidated the rule on allocation of autopsy costs announced in 1967 Op. Att'y Gen. No. 67-080 that made the costs the responsibility of the county in which the death occurred.

Therefore it is my opinion, and you are advised that:

1. Where an injury of a person occurred in one county resulting in that person's death in another county, the coroner of the county in which the death occurred has exclusive jurisdiction to order an autopsy.
2. Where an autopsy is performed in the county in which a death occurred as a result of an injury in another county, R.C. 313.161 requires the county in which the injury occurred to pay the costs of the autopsy. (1967 Op. Att'y Gen. No. 67-080 overruled.)