

Coroners—Fees—Mileage—Autopsies—Expenses.

A coroner may charge for mileage while riding on ambulance hired by the county and for expense of conveying dead bodies to place for holding inquests but may not charge for his own room for holding inquest or for his own work in cleaning same.

Mr. J. H. Forster,
County Attorney,
Malta, Montana.

June 13, 1931.

My dear Mr. Forster:

You have requested an opinion as to fees which may be charged by a coroner and this office appreciates the fact that you have given your own opinion with authorities and reasons.

In cases where the coroner rides in an ambulance in going to obtain the body, and the ambulance is charged to the county, he may collect his fee under code section 4922. You are correct in your position.

The matter of the conveyance of the dead body is covered by code section 4849. The expense of conveying the body is a charge against the county.

As for his charging for a room for the autopsy, etc., under code section 444 no officer may be personally interested in contracts, and the coroner may not charge for his own room and he may not charge for cleaning up his room although the necessary expenses of the autopsy are borne by the county.

As to whether the coroner may transport a dead body exhumed by him to some safe and convenient place for holding the inquest, will say that it would necessarily be implied from code section 12381 that the body should not be left exposed to the elements or the coroner required to stand guard in an open place, and that the only rule which would give the coroner any reasonable latitude in performing his duties would be that he might remove the body to a proper place for the inquest and charge the expenses to the county.

Also, where it is necessary to hold an autopsy the body would, of course, have to be removed to a proper place for the autopsy and the expense of moving would be a proper charge against the county.

Very truly yours,

L. A. FOOT,

Attorney General.