



**2004 - 211**

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

TROY KING  
ATTORNEY GENERAL

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Honorable Gary Murphree  
Cullman County Coroner  
1901 Second Avenue NW  
Cullman, Alabama 35055

Coroners – Fees – Contracts – Forensic Sciences  
– Cullman County

Sections 12-19-192 and 12-19-193 of the Code of Alabama provide for fees that may be collected by county coroners within the State of Alabama. Based upon this statutory fee schedule and the limitation on fees to be lawfully received by coroners each year, coroners do not have the authority to contract with private laboratories for toxicology reports that coroners would provide to insurance companies and family members for a fee.

Dear Mr. Murphree:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Can the Cullman County Coroner's Office contract with private laboratories to obtain toxicology reports that are thereafter provided to insurance companies and family members of deceased persons for a fee?

FACTS AND ANALYSIS

In your letter of request, you provide the following information:

The coroner's ability to provide copies of toxicology reports would greatly help the family of a

deceased person in receiving insurance settlements and would not diminish the coroner's dependence upon the Alabama Department of Forensic Sciences in criminal cases. The private company's results would be used primarily for insurance, as well as families' peace of mind in getting this information in a matter of days instead of 10 to 16 months.

Sections 12-19-192 and 12-19-193 of the Code of Alabama provide for the fees that may be collected by county coroners within the State of Alabama. These two provisions specify the applicable fees that the coroners shall receive in remuneration for respective duties performed by coroners. Sections 12-19-192(a)(8) and 12-19-193(c) of the Code also permit coroners to receive the "same fees that were allowed the sheriff for similar services" when performed by the coroner. ALA. CODE § 12-19-192(a)(8) (1995); *see also* ALA. CODE § 12-19-193(c) (1995).

Moreover, section 12-19-192(b) of the Code of Alabama provides for a ceiling amount that a coroner shall receive in any one year, in fees, consisting of an aggregate amount of \$1200. Based upon this statutory fee schedule and the limitation on fees to be lawfully received by coroners each year, coroners are not given the authority to contract with private laboratories for toxicology reports that coroners would provide to insurance companies and family members for a fee. It is the opinion of this Office that additional statutory authority would be required to permit the private contracting and toxicology-report fee arrangement that you have described in your request.

#### CONCLUSION

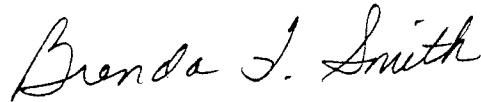
Sections 12-19-192 and 12-19-193 of the Code of Alabama provide for fees that may be collected by county coroners within the State of Alabama. Based upon this statutory fee schedule and the limitation on fees to be lawfully received by coroners each year, coroners do not have the authority to contract with private laboratories for toxicology reports that coroners would provide to insurance companies and family members for a fee.

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I hope this opinion answers your question. If this Office can be of further assistance, please contact Tori L. Adams-Burks of my staff.

Sincerely,

TROY KING  
Attorney General  
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH  
Chief, Opinions Division

TK/TLAB/kh

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