

OPINION
47-194

March 20, 1947 (OPINION)

OFFICERS

RE: Office of Sheriff and Coroner May Not be Held by One Person

This office is in receipt of your letter of March 19, 1947, asking for an opinion as to whether a person who has been elected and qualified for the office of coroner may also accept appointment and act as a deputy sheriff.

Section 11-1901, of the 1943 Revised Code provides that when there shall be no sheriff or deputy sheriff in an organized county, the coroner of the county shall exercise all the powers and duties of that office until the same shall be filled as provided by law.

Section 11-1522 provides that in all actions or proceedings to which the sheriff is a party by virtue of his office or otherwise, the coroner or any constable of the county of which such sheriff is an officer may serve all necessary process on such sheriff.

Section 11-1904 provides that when the coroner has notice that the dead body of a person supposed to have died by unlawful means has been found in his county, he shall summon the sheriff, a police officer, or the state's attorney, to accompany him, and shall issue his warrant to the sheriff or to a constable of his county requiring him to summon forthwith three electors who have the qualifications of jurors.

It would seem that in view of these statutes the offices of sheriff and coroner are more or less incompatible. The deputy sheriff may legally discharge all the powers and duties of the sheriff. It would follow, therefore, that situations might arise where there would be a conflict in interest in the duties between the offices of sheriff and coroner, and it is the opinion of this office that these two offices are incompatible and that the same person could not at the same time hold the offices of coroner and deputy sheriff.

NELS G. JOHNSON

Attorney General