

Executive

1 PUB - 1 Indigent Defense Support Fund

**R.C. *120.08, 2937.22, 2949.091, 2949.111,
4507.45, 4509.101, and 4510.22***

(1) Requires the State Public Defender Office to disburse at least 90% of the money in the Indigent Defense Support Fund not less than once per year to reimburse counties for the costs of public defender systems and authorizes the Office to use up to 10% of the money in the fund to support the operations of the Office.

(2) Establishes a surcharge of \$25 to be paid when a person posts bail and, if the person is convicted, pleads guilty, or forfeits bail.

(3) Increases, to \$30 for a felony offense and \$20 for a misdemeanor offense other than a traffic offense that is not a moving violation.

(4) Imposes a \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation.

(5) Increases the general driver's license reinstatement fee (from \$30 to \$40), the reinstatement fee for a financial responsibility violation (from \$75 to \$100 for a first violation, from \$250 to \$300 for a second violation, and from \$500 to \$600 for a third violation), and the reinstatement fee for a person who commits a specified traffic offense, motor vehicle equipment offense, or motor vehicle crime that is a misdemeanor other than a minor misdemeanor and whose license is forfeited for failing to appear in court to answer the charge or pay the fine (from \$15 to \$25).

(6) Directs the amounts noted in dot points (2), (3), (4), and (5) above be deposited in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0).

Fiscal effect: These additional non-GRF funding mechanisms are expected to generate approximately \$25.6 million in FY 2010, and \$34.2 million in FY 2011, all of which is credited to the Indigent Defense Support Fund (Fund 5DY0).

2 PUB - 2 IOTA and IOLTA Regulations

**R.C. *120.52, 174.02, 3953.23, 3953.231, 4705.09,
and 4705.10***

(1) Gives the Ohio Legal Assistance Foundation (OLAF) authority over the administration of two interest bearing accounts (interest generated on trust accounts established and maintained by attorneys, law firms, or legal professional associations (IOLTAs) and interest generated on trust accounts established and maintained by title insurance agents or title insurance companies (IOTAs)).

(2) Eliminates the deduction of service charges from IOTA and IOLTA interest income.

(3) Amends the IOTA and IOLTA statutory rate provisions to conform with the rules of the Ohio Legal Assistance

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Foundation.

(4) Removes the statutory restriction on funding legal services from the Housing Trust Fund.

Fiscal effect: The fiscal effect of these provisions, if any, is uncertain.

3 PUB - 3 Unpaid Moneys in Class Actions - Legal Aid Fund

R.C. 120.52, 120.53, and 2315.50

(1) Provides that it is the policy of Ohio, insofar as it is not inconsistent with federal law, that all unpaid moneys remaining after the distribution to the members of the class of monetary awards in class actions must be used for the charitable public purpose of providing financial assistance to legal aid societies that operate in Ohio.

(2) Requires each defendant from whom unpaid moneys are due after distribution of the monetary award to remit the unpaid moneys to the State Treasurer for deposit in the Legal Aid Fund and to notify the Ohio Legal Assistance Foundation (OLAF) of the amount so remitted, the case name and number of the class action, and the court that approved the settlement agreement or rendered the judgment in the class action.

(3) Makes a corrective change in the provision regarding rules established by OLAF in administering the Fund.

Fiscal effect: The revenue potential of these provisions will vary from year to year depending factors such as the number and size of class action monetary awards.

4 PUB - 4 Multi-County Office

Section: 361.10

Requires moneys appropriated to GRF appropriation item 019403, Multi-County - State Share, and SSR appropriation item 019601, Multi-County - County Share, be used to support the Commission's Multi-County Branch Office Program.

5 PUB - 5 Indigent Defense Office

Section: 361.10

Requires moneys appropriated to GRF appropriation item 019404, Trumbull County - State Share, and SSR appropriation item 019610, Trumbull County - County Share, be used to support an indigent defense office in Trumbull County.

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6 PUB - 6 Training Account**Section: 361.10**

Requires moneys appropriated to GRF appropriation item 019405, Training Account, be used to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost (pro bono), and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

7 PUB - 7 Federal Representation**Section: 361.10**

Requires federal appropriation item 019608, Federal Representation, serve as the depository for reimbursement payments received by the Ohio Public Defender from the federal courts for providing legal representation on federal court cases at the request of the federal courts.
