

Executive

As Passed by the House

1 PUB - 9 Public Defender Fee Schedules

No provision.

R.C. 120.04

Requires the State Public Defender to establish minimum and maximum hourly rates and per case amounts for fee schedules that the state will reimburse the counties for each specific type of legal service performed by a county appointed counsel system.

Fiscal effect: Uncertain.

2 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 to be retained by the clerk if the person is convicted, pleads guilty, or forfeits bail.

(3) Increases additional court costs 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.

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

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Executive

As Passed by the House

(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).

(5) Same as the Executive.

(6) Directs that the increases in 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).

(6) Same as the Executive.

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).

Fiscal effect: Same as the Executive.

3 PUB - 2 IOTA and IOLTA Regulations

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

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)).

(1) Same as the Executive.

Executive

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

(3) Amends the IOTA and IOLTA statutory rate provisions to require eligible depositories to pay a rate that equals or exceeds the highest rate paid on specified accounts.

(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.

As Passed by the House

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Fiscal effect: Same as the Executive.

4 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.

R.C. 120.52, 120.53, and 2315.50

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Executive

As Passed by the House

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.

Fiscal effect: Same as the Executive.

5 PUB - 8 Civil Legal Aid Filing Fees

No provision.

R.C. 1901.26, 1907.24, 2303.201

Increases by \$5 the additional filing fees collected in civil actions to fund legal aid societies, and expands the application of the filing fee to marriage terminations and dissolutions.

Fiscal effect: The Ohio Legal Assistance Foundation estimates that this filing fee change will generate an additional \$4 million to \$5 million annually to support Ohio's civil legal aid delivery system.

6 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.

Section: 361.10

Same as the Executive.

Executive

As Passed by the House

7 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.

Section: 361.10

Same as the Executive.

8 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.

Section: 361.10

Same as the Executive.

9 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.

Section: 361.10

Same as the Executive.

Executive

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10 CEB - 7 Southern Ohio Correctional Facility Cost**Section: 245.10**

Permits the Division of Criminal Justice Services and the Public Defender Commission to request, upon approval of the Director of Budget and Management, additional funds from the GRF appropriation item 911401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility.

Section: 245.10

Same as the Executive.

11 CEB - 2 Mandate Assistance**Section: 245.10**

(1) Requires that the amounts appropriated to GRF appropriation item 911404, Mandate Assistance, be used to provide financial assistance to local units of government and school districts for the cost of two state mandates as follows: (a) the cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services, and (b) the costs to school districts of in-service training for child abuse detection.

(2) Permits the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education to submit to the Controlling Board requests to transfer appropriations from GRF appropriation item 911404 for the two aforementioned purposes.

Section: 245.10

(1) Same as the Executive.

(2) Same as the Executive.

Executive**As Passed by the House**

(3) Permits the Controlling Board to transfer appropriations received by a state agency under this provision back to GRF appropriation item 911404, or to the other program of state financial assistance identified under this provision.

(3) Same as the Executive.

(4) Stipulates it is expected that not all costs incurred by local units of governments and school districts under each of these two aforementioned programs of state financial assistance will be fully reimbursed by the state.

(4) Same as the Executive.

(5) Prescribes how each of these programs of state financial assistance are to be carried out.

(5) Same as the Executive.

(6) Permits any moneys allocated to GRF appropriation item 911404 not fully utilized, upon application of the Ohio Public Defender Commission, and with the approval of the Controlling Board, to be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing indigent defense legal services.

(6) Same as the Executive.