Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 663 of the 130th G.A. **Date**: December 11, 2014

Status: As Reported by Senate Criminal Justice **Sponsor**: Reps. Buchy and Huffman

Local Impact Statement Procedure Required: No

Contents: Death penalty

State & Local Fiscal Highlights

- The bill's effect on the amounts that the state and county criminal justice systems expend on the prosecution and defense of indigent persons in capital cases is uncertain.

Detailed Fiscal Analysis

The bill changes the state's death penalty processes and procedures: (1) to provide confidentiality and license protection for individuals and entities who are involved in carrying out a death sentence by lethal injection, (2) to create a legislative study committee to study the needs of families of homicide victims, (3) to require the Ohio Supreme Court to set the pay for appointed counsel in capital cases, and (4) to extend the period for filing a petition for post-conviction relief.

Confidentiality and license protection. The bill provides confidentiality and license protection for individuals and entities who are involved in carrying out a death sentence by lethal injection and creates a civil cause of action for the unauthorized disclosure of information that could lead to the identification of any such individual or entity. The unauthorized disclosure of such information is expected to be infrequent and generate no discernible fiscal effects on the court that would adjudicate such matters, most likely a court of common pleas.

Legislative study committee. The bill establishes a committee comprised of six members of the General Assembly to study the manner in which families of homicide victims can best be supported by government programs, social service entities, and charitable organizations. It is likely that this work can be performed with minimal time and effort utilizing existing staffing and funding levels.

Appointed counsel fees. The bill requires the Ohio Supreme Court to set the amount or rate that appointed counsel is paid in capital cases. Since all counties do not pay the same amount or rate for appointed counsel, it is likely that the bill will require some counties to pay more for indigent representation in capital cases than they currently do. It is also possible that the amount or rate set by the Ohio Supreme Court may be less than some counties are currently paying which may result in a decrease in appointed counsel expenditures in capital cases for those counties. The magnitude of any increase or decrease for a given county will depend on the amount or rate that is set by the Ohio Supreme Court and the number of capital cases in that county.

Under current law, unchanged by the bill, the Ohio Public Defender is required to reimburse up to 50% of the costs that a county incurs in providing legal representation to an indigent person in a criminal trial. If the amount a county pays for appointed counsel in a capital case increases or decreases, the amount reimbursed by the Ohio Public Defender to the county will also increase or decrease accordingly. The resulting increase or decrease in expenditures experienced by the Ohio Public Defender will depend on the amount or rate for appointed counsel in capital cases that is set by the Ohio Supreme Court and the number of capital cases statewide.

Post-conviction relief. The bill extends the period in which a petition for post-conviction relief in a capital case may be filed from 180 days to 365 days. The fiscal effects on the state and county criminal justice systems are uncertain.

Other provisions. The bill makes other changes to the state's death penalty processes and procedures that will not generate significant fiscal effects for the state or any of its political subdivisions.

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