

# **LSC Redbook**

**Analysis of the Executive Budget Proposal**

**Ohio Public Defender Commission**

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## READER'S GUIDE

The Legislative Service Commission prepares an analysis of the executive budget proposal for each agency. These analyses are commonly called "Redbooks." This brief introduction is intended to help readers navigate the Redbook for the Ohio Public Defender Commission (PUB), which includes the following four sections.

1. Overview: Provides a description of the Commission's existing functions and staffing, and an overview of the Commission's executive recommended budget for the FY 2014-FY 2015 biennium, and notes other important budgetary matters.
2. Facts and Figures: Provides a visual time series summary of county-level indigent defense services (reimbursement rates, caseloads, and costs).
3. Analysis of Executive Proposal: Provides a detailed analysis of the Commission's executive recommended budget, including the funding and purposes for each appropriated line item, and the services and activities that are financed by those appropriated moneys.
4. Attachments: Includes LSC's Catalog of Budget Line Items (COBLI), which describes each line item's purpose, revenue, and expenditures, and the LSC budget spreadsheet, which summarizes each line item's recent expenditure and appropriations history.

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# Ohio Public Defender Commission

- County reimbursement rate expected to be about 40%
- Civil Legal Aid revenues increase
- Continuation of existing service levels

## OVERVIEW

### Right to Counsel

Criminal defendants have a constitutional right to court-appointed attorneys if the accused are financially unable to retain private counsel, a right guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution. The right to counsel extends from the time that judicial proceedings have been initiated against the accused, whether by way of formal charge, preliminary hearing, indictment, information, or arraignment, through sentencing and appeal. There is no absolute right to appointed counsel in post-conviction proceedings.

### Duties and Responsibilities

The Ohio Public Defender Commission, which was created effective January 13, 1976, pursuant to H.B. 164 of the 111th General Assembly, provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court. Arguably, from a fiscal perspective, the Commission's most significant role is as administrator of the subsidy program that partially reimburses counties for indigent defense expenditures related to the operation of local public defender offices or the use of appointed counsel.

Other notable Commission activities include:

- Establishing the standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising the compliance with these standards.
- Providing technical assistance to county public defenders and appointed counsel.
- Providing legal services to inmates at the state's correctional facilities, trial-level representation in some capital cases, and appellate and post-appeals representation in capital and noncapital cases.
- Serving as a portal through which funds are transferred to the Ohio Legal Assistance Foundation (OLAF) for the purpose of providing financial assistance to legal aid societies throughout the state.

The Commission itself consists of nine appointed members. The Governor appoints five of the members, including the chair. The Supreme Court of Ohio appoints the other four members. No more than five Commission members can be from one of the two major political parties. The Commission appoints a state public defender who maintains and administers the Office of the Ohio Public Defender. The Commission and the Office of the Ohio Public Defender share a common state budget.

### **County Indigent Defense Services Delivery Systems**

In meeting the right to counsel obligations in criminal matters, each county has the option of:

- Establishing a county public defender system.
- Establishing a joint county public defender system.
- Adopting a schedule to pay private appointed counsel.
- Contracting with the state public defender.
- Contracting with a nonprofit corporation.

The board of county commissioners in each county determines the method of providing indigent defense services. Currently, counties use one of four methods: court-appointed counsel (40), county public defenders (28), contract with the state's Office of the Ohio Public Defender (11), or contract with nonprofit corporations (9).

### **Transition to Non-GRF Revenue Sources**

The enacted FY 2010-FY 2011 biennial budget marked the beginning of a noticeable transition away from the Commission's utilization of GRF money and toward non-GRF generated revenue streams. In previous years, the Commission's reliance on GRF funding to pay for indigent defense legal services was quite clear, and stood at nearly 90% of its annual criminal legal services budget.<sup>1</sup> As the Commission has faced, in recent years, several rounds of reductions in their GRF funding for indigent defense services, it began to seek various non-GRF sources of funding as a way of replacing reductions in its GRF appropriations.

The executive recommended budget for the FY 2014-FY 2015 biennium represents a respite in that transition away from GRF, as it contains GRF appropriations that are more than double the estimated GRF expenditures for FY 2013, from \$6.7 million in FY 2013 to \$14-plus million in FY 2014 and FY 2015. This appears to

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<sup>1</sup> This percentage does not take into account rather large non-GRF appropriations dedicated for use by the Ohio Legal Assistance Foundation (OLAF) to provide civil legal services to indigent persons. These appropriations are housed in the Public Defender Commission's budget structure, but they are transferred directly to OLAF and are not used by the Commission for the provision of any indigent criminal defense services.

reflect the need to supplement the amount of money being collected annually through the non-GRF revenue generating mechanisms for support of the Commission's criminal justice programs and services. The additional GRF proposed in the executive budget is appropriated specifically for the purpose of bolstering the rate at which the state reimburses counties for the provision of criminal indigent defense services.

### Appropriation Overview

The Commission's estimated FY 2013 expenditures are compared with the executive recommendations for FY 2014 and FY 2015, by fund group, in Table 1 below. To support the Commission's services and activities, the executive budget recommends FY 2014 appropriations totaling \$84.8 million, an increase of \$11.5 million, or 15.6%, from the total estimated FY 2013 expenditures of \$73.3 million. For FY 2015, the executive budget recommends appropriations totaling \$86.3 million, or 1.7%, above the FY 2014 recommendation.

<b>Fund Group</b>	<b>FY 2013*</b>	<b>FY 2014</b>	<b>% change, FY 2013-FY 2014</b>	<b>FY 2015</b>	<b>% change, FY 2014-FY 2015</b>
General Revenue	\$6,674,425	\$14,430,966	116.2%	\$14,566,485	0.9%
General Services	\$1,693,269	\$1,608,429	-5.0%	\$1,605,655	-0.2%
State Special Revenue	\$64,666,392	\$68,464,005	5.9%	\$69,794,850	1.9%
Federal Special Revenue	\$314,712	\$308,656	-1.9%	\$306,892	-0.6%
<b>TOTAL</b>	<b>\$73,348,798</b>	<b>\$84,812,056</b>	<b>15.6%</b>	<b>\$86,273,882</b>	<b>1.7%</b>

\*FY 2013 figures represent estimated expenditures.

### Expense by Program Series Summary

Chart 1 below shows the total recommended appropriations (FY 2014 and FY 2015) by program series.<sup>2</sup> The Commission's services and activities can be grouped into four distinct program series as follows:

1. County-Level Indigent Defense, the purpose of which is to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county court.
2. Legal Aid Foundation, the purpose of which is to administer and fund the state's civil legal services program.
3. State Legal Defense Services, the purpose of which is to provide legal representation and services to indigent adults, juveniles, and incarcerated

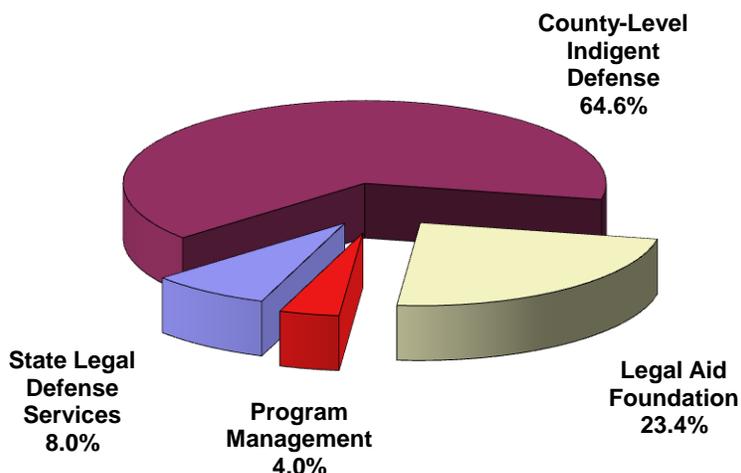
<sup>2</sup> A program series is a service and/or activity or a closely related group of services and/or activities that correspond to a major focus, goal, need, problem, or objective.

individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation.

4. Program Management, the purpose of which is to provide the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, as well as collecting and processing indigent defense reimbursement payments and producing educational seminars and conferences.

Based on the biennial executive budget recommendations, the largest portions of the Commission's budget for the two-year span will be allocated for county-level indigent defense (64.6%) and the Legal Aid Foundation (23.4%).

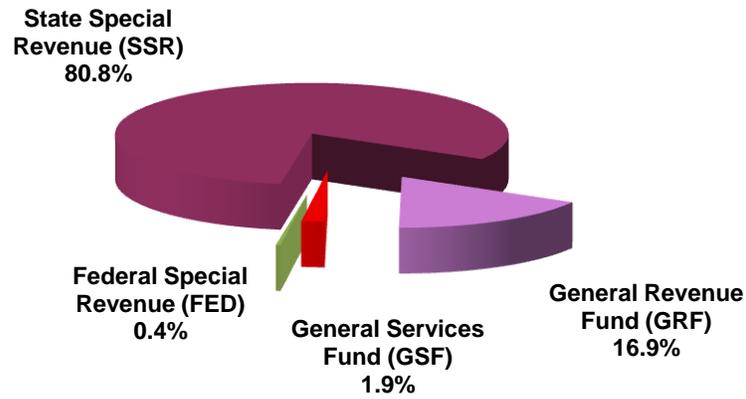
**Chart 1: Biennial Executive Budget Recommendations by Program Series, FY 2014-FY 2015**



**Expense by Fund Group Summary**

As Chart 2 below shows, of the Commission's two-year executive recommended budget, money appropriated from accounts in the State Special Revenue (SSR) Fund Group comprise around 80.8%, and GRF appropriations will pay for 16.9%. The remainder, or 2.3%, of budgetary funding will be drawn from money appropriated from other revenue sources in the state treasury, including, in order of magnitude, the General Services Fund (GSF) Group (1.9%) and the Federal Special Revenue (FED) Fund Group (0.4%).

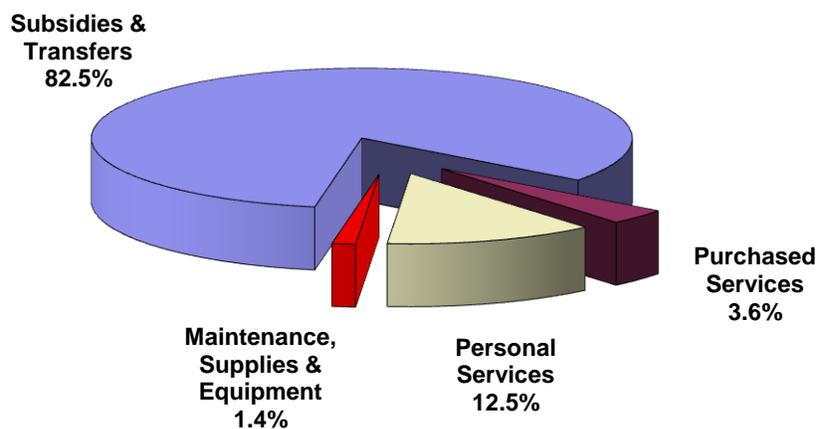
**Chart 2: Biennial Executive Budget Recommendations  
by Fund Group, FY 2014-FY 2015**



### Object of Expense Summary

Chart 3 below summarizes, based on the executive recommendations, the types of items on which the Commission plans to spend its appropriated money for the two-year period (FY 2014 and FY 2015). About 83% of the Commission's expenditures will be allocated for a mix of subsidies and transfers, which includes county indigent defense reimbursement payments and financing for civil legal aid distributed by the Ohio Legal Aid Foundation. The second largest category of expense is personal services (12.5%), essentially the payroll-related expenses for approximately 130 full-time equivalent (FTE) staff positions. Smaller amounts will be allocated for purchased personal services (3.6%) and maintenance, supplies and equipment (1.4%).

**Chart 3: Biennial Executive Budget Recommendations  
by Expense Category, FY 2014-FY 2015**



## Staffing Levels

Table 2 below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FY 2008 through FY 2015. Two facets of this data can be highlighted. First, its total number of staff has been relatively stable running between 120 and 130. Second, the appropriations in the executive proposed budget appear sufficient for the Commission to retain its existing payroll of 130.8 FTEs in both FY 2014 and FY 2015.

<b>Activity</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
State Legal Defense	74.5	70.0	74.0	72.0	72.0	70.5	71.5	71.5
County Indigent Defense	28.0	28.0	28.0	28.0	28.0	30.0	30.0	30.0
Program Management	23.5	21.5	21.0	26.0	26.0	27.8	29.3	29.3
<b>TOTALS</b>	<b>126.0</b>	<b>119.5</b>	<b>123.0</b>	<b>126.0</b>	<b>126.0</b>	<b>128.3</b>	<b>130.8</b>	<b>130.8</b>

\*These numbers represent full-time equivalent (FTE) staff positions.

\*\*FY 2013 numbers are actual FTEs as of this date, while FY 2014 and FY 2015 are estimates.

## Structured Promotion System for Attorneys

The Commission is continuing with the implementation of a merit-based promotion system for agency attorneys as part of their ongoing recruitment and retention efforts. All of the agency attorneys are exempt and unclassified, and thus have been subject to various restrictions placed on pay raises for personnel in this category. The result has been a large attrition problem, especially with respect to mid-career attorneys with 10 to 20 years of experience. These experienced attorneys are leaving the Commission for higher paying jobs.

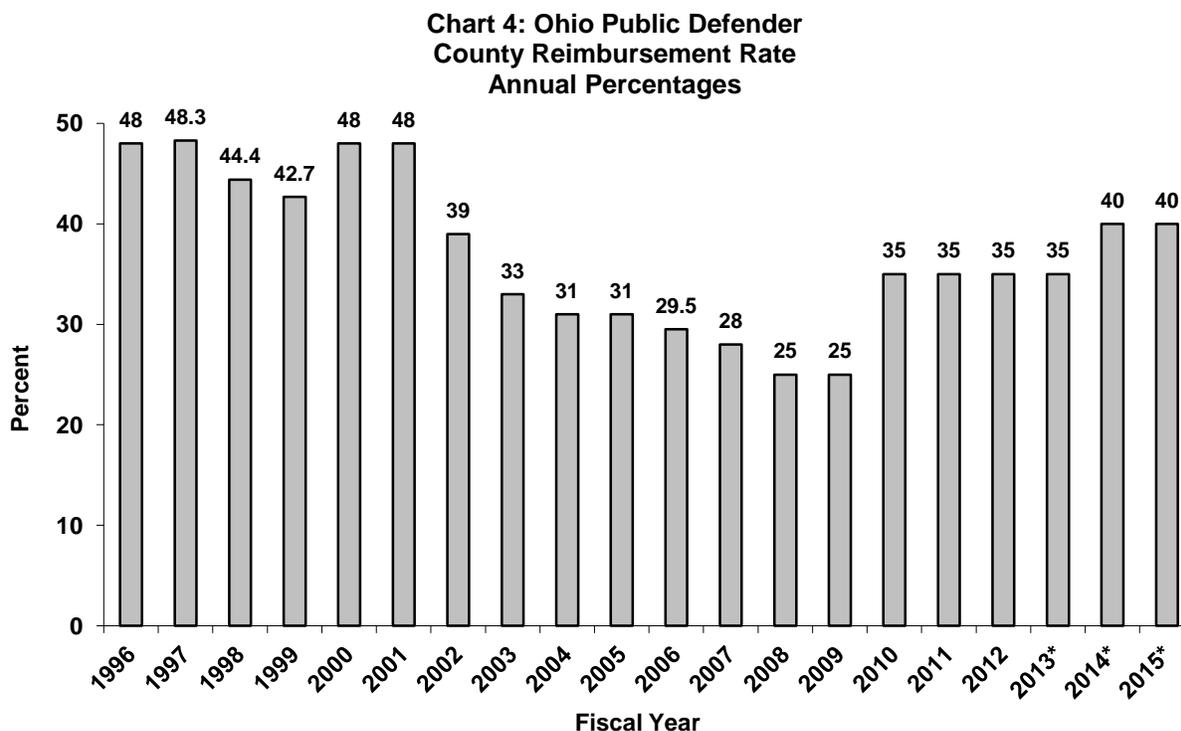
In this merit-based promotion system, attorneys will be evaluated annually, and if they meet established performance standards they will be promoted. The promotions are expected to result in an average pay increase of about 8% to 10%, and will likely be supported with money appropriated to the State Legal Defense Services program area.

## FACTS AND FIGURES

This section of the Redbook provides a visual time series summary of certain aspects of indigent defense services delivered locally by the state and counties (reimbursement rates, caseloads, and costs).

### County Indigent Defense Reimbursement Rate

Chart 4 below captures the Commission's annual county indigent defense reimbursement rate from FY 1996 through FY 2012, and projected from FY 2013 through FY 2015. In four of the six years between FY 1996 through FY 2001, that rate was at or above 48%. The Commission's annual county reimbursement rate subsequently declined to a low of 25% in FY 2008 and FY 2009. As the result of recently enacted non-GRF funding revenue-generating mechanisms, the reimbursement rate has been pushed up to 35% in FY 2010 through FY 2013. The executive recommended funding for indigent defense services is expected to produce an estimated reimbursement rate of 40% in FY 2014 and FY 2015.



\*The FY 2013 through FY 2015 annual percentages for the county reimbursement rate in the above graph are estimates.

Pursuant to the Ohio Public Defender Law enacted in 1976, the state was required to reimburse counties for 50% of the costs associated with the provision of legal counsel to indigents. Effective July 1, 1979, pursuant to Am. Sub. H.B. 204 of the 113th General Assembly, the provision was amended to state that, if the amount

appropriated by the General Assembly in any fiscal year is insufficient to pay 50% of the costs associated with the provision of legal counsel to indigents, the amount of money paid is to be reduced proportionately so that each county is paid an equal percentage of its total costs. FY 1991 was the last time the Commission was able to reimburse counties for 50% of their indigent defense costs.

### County-Level Indigent Defense Caseloads

Table 3 below displays a breakdown of the total number of indigent defense cases that were closed annually from FY 1996 through FY 2012, along with the estimated total number of indigent cases to be closed annually from FY 2013 through FY 2015. That breakdown shows closed cases that were directly handled by counties in some manner (the "Appointed Counsel," "Public Defender," and "Death Penalty" columns in the table below) and closed cases that were handled by the state in the form of the Office of the Ohio Public Defender Commission (the "Multi-County" and "Trumbull County" columns in the table below).

<b>Table 3. County-Level Indigent Defense Closed Cases Subject to State Reimbursement &amp; Branch Office Caseloads</b>						
<b>Fiscal Year</b>	<b>Appointed Counsel</b>	<b>Public Defender</b>	<b>Death Penalty</b>	<b>Multi-County</b>	<b>Trumbull County</b>	<b>Total Cases</b>
1996	75,351	164,008	122	7,156	3,265	249,902
1997	72,883	184,519	120	7,660	4,139	269,321
1998	76,199	180,957	147	7,966	4,160	269,429
1999	88,738	189,787	140	10,197	4,753	293,615
2000	95,305	207,718	133	11,013	4,783	318,952
2001	103,495	209,129	106	10,873	4,745	328,348
2002	112,891	200,285	123	11,831	5,638	330,768
2003	126,356	240,244	108	11,977	6,330	385,015
2004	131,009	246,218	131	12,892	5,089	395,339
2005	137,833	247,613	142	12,485	6,128	404,201
2006	138,595	252,183	147	13,152	6,520	410,597
2007	137,092	245,322	136	12,472	6,376	401,398
2008	133,767	253,496	87	14,459	5,786	407,595
2009	132,197	253,869	85	16,659	5,970	408,780
2010	127,089	256,939	128	14,243	6,270	404,669
2011	122,983	259,860	115	12,157	5,783	400,898
2012	115,715	273,398	96	12,460	6,146	407,815
2013*	118,610	280,230	100	12,770	6,300	418,010
2014*	121,580	287,240	100	13,090	6,460	428,470
2015*	124,620	294,420	100	13,420	6,620	439,180

\*The data associated with FY 2013 through FY 2015 are estimates.

Relative to Table 3 above, the caseload data for the period covering FY 1996 through FY 2012 include the following highlights:

- The number of indigent defense cases closed annually by counties and the Office of the Ohio Public Defender Commission combined increased from 249,902 to 407,815, or 63.2%.
- The number of indigent defense cases closed annually by counties (appointed counsel + public defender + death penalty) increased by 62.5%, from 239,481 to 389,209.
- The number of indigent defense cases closed annually by the Office of the Ohio Public Defender Commission (Multi-County + Trumbull County) increased from 10,421 to 18,606, or 78.5%.

## Cost of County-Level Indigent Defense Services

Table 4 below displays a breakdown of the total annual costs to counties and the Office of the Ohio Public Defender Commission for the provision of trial-level indigent defense services. That breakdown shows the costs associated with indigent defense cases that were directly handled by counties in some manner (the "Non-Capital Cases" and "Capital Cases" columns in the table below) and the costs associated with indigent defense cases handled by the state in the form of the Office of the Ohio Public Defender (the "Multi-County" and "Trumbull County" columns in the table below).

Table 4. County-Level Indigent Defense Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cost
1996	\$47,134,045	\$1,822,116	\$1,641,873	\$661,383	\$51,259,417
1997	\$49,294,565	\$1,915,573	\$1,851,456	\$698,931	\$53,760,525
1998	\$54,973,281	\$2,479,280	\$2,052,513	\$732,528	\$60,237,602
1999	\$57,887,608	\$2,074,700	\$2,091,608	\$756,009	\$62,809,925
2000	\$65,038,160	\$1,766,673	\$2,359,659	\$819,094	\$69,983,586
2001	\$70,127,153	\$1,758,853	\$2,484,460	\$844,302	\$75,214,768
2002	\$79,916,063	\$1,978,301	\$2,507,604	\$860,862	\$85,262,830
2003	\$88,592,159	\$2,141,417	\$2,585,325	\$863,038	\$94,181,939
2004	\$92,160,364	\$2,501,675	\$2,630,153	\$875,049	\$98,167,241
2005	\$96,170,308	\$2,337,473	\$2,607,554	\$850,974	\$101,966,309
2006	\$101,314,190	\$2,644,462	\$2,730,857	\$864,448	\$107,553,957
2007	\$103,319,659	\$2,348,198	\$2,803,450	\$891,265	\$109,362,572
2008	\$107,407,242	\$1,699,900	\$2,913,037	\$919,975	\$112,940,154
2009	\$111,713,156	\$1,521,189	\$2,973,003	\$967,405	\$117,174,752
2010	\$109,176,535	\$2,567,330	\$3,020,552	\$962,746	\$115,727,163
2011	\$107,920,349	\$2,835,849	\$3,314,950	\$969,349	\$115,040,497
2012	\$110,326,881	\$2,143,217	\$3,339,116	\$959,909	\$116,769,123
2013*	\$115,650,564	\$2,500,000	\$3,350,041	\$982,847	\$122,483,452
2014*	\$118,450,000	\$2,500,000	\$3,535,194	\$1,013,522	\$125,498,746
2015*	\$120,884,000	\$2,500,000	\$3,573,783	\$1,027,518	\$127,985,301

\*The data associated with FY 2013 through FY 2015 are estimates.

Relative to Table 4 above, the cost data for the period covering FY 1996 through FY 2012 include the following highlights:

- The annual cost to counties of providing indigent defense services (Non-Capital Cases + Capital Cases) increased from \$48.9 million to \$112.5 million, an increase of \$63.6 million, or 130.1%.

- The annual cost to the Office of the Ohio Public Defender Commission of providing trial-level indigent defense services (Multi-County + Trumbull County) increased from \$2.3 million to \$4.3 million, an increase of \$2 million, or 86.6%.

## **ANALYSIS OF EXECUTIVE PROPOSAL**

### **Introduction**

This section provides an analysis of the executive recommended funding for each appropriated line item in the Ohio Public Defender Commission's FY 2014-FY 2015 biennial budget. In this analysis, the Commission's line items are grouped into four major categories reflecting the focus of its services and activities. For each category, a table is provided listing the recommended appropriation in each fiscal year of the biennium. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation in the executive proposed budget. The four categories used in this analysis are as follows:

1. State Legal Defense Services;
2. County-Level Indigent Defense;
3. Ohio Legal Assistance Foundation; and
4. Program Management.

To aid the reader in finding each line item in the analysis, the following table shows the category in which it has been placed, listing the line items generally in order within their respective fund groups and funds. This is the same order the line items appear in the budget bill.

<b>Table 5. Categorization of the Commission's Appropriation Line Items for Analysis of Executive Proposal</b>		
<b>Fund</b>	<b>ALI and Name</b>	<b>Category</b>
<b>General Revenue Fund Group</b>		
GRF 019401	State Legal Defense Services	1: State Legal Defense Services
GRF 019403	Multi-County: State Share	2: County-Level Indigent Defense
GRF 019404	Trumbull County – State Share	2: County-Level Indigent Defense
GRF 019405	Training Account	2: County-Level Indigent Defense
GRF 019501	County Reimbursement	2: County-Level Indigent Defense
<b>General Services Fund Group</b>		
4070 109604	County Representation	1: State Legal Defense Services
4080 019605	Client Payments	4: Program Management
5CX0 019617	Civil Case Filing Fee	1: State Legal Defense Services
<b>Federal Special Revenue Fund Group</b>		
FX0 19621	Wrongful Conviction Program	4: Program Management
3S80 019608	Federal Representation	1: State Legal Defense Services
<b>State Special Revenue Fund Group</b>		
4C70 019601	Multi-County: County Share	2: County-Level Indigent Defense
4X70 019610	Trumbull County – County Share	2: County-Level Indigent Defense
5740 019606	Civil Legal Aid	3: Ohio Legal Assistance Foundation
5DY0 019618	Indigent Defense Support – County Share	2: County-Level Indigent Defense
5DY0 019619	Indigent Defense Support – State Share	1: State Legal Defense Services

### **Category 1: State Legal Defense Services**

This category of appropriations encapsulates the line items that the Commission uses to pay for the provision of legal representation to indigent adults, juveniles, and incarcerated individuals in all courts when the U.S. Constitution requires representation, or when it is requested by the court, the county or joint county public defender, or an inmate. Most legal matters in which the state provides direct representation involve appeals or death penalty cases. Indigent defense for most other cases is provided locally by public defenders or assigned counsel.

The total amount to be allocated from the executive recommended budget for the State Legal Defense Services category in FY 2014 and FY 2015 is \$6,851,482 and \$6,909,753, respectively. The total appropriation should be sufficient to maintain the current level of State Legal Defense Services, which includes payroll expenses for 71.5 full-time equivalent (FTE) staff positions. For FY 2012, the total amount expended for this category was \$6,497,506, and for FY 2013, is estimated at \$6,865,460.

Table 6 below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the specific types of services and activities grouped under the State Legal Defense Services category, and then a discussion of the purpose of each appropriated line item and how its recommended FY 2014 and FY 2015 appropriation will be allocated.

<b>Table 6. Executive Recommended Amounts for State Legal Defense Services</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019401	State Legal Defense Services*	\$2,373,995	\$2,365,329
<b>General Revenue Fund Subtotal</b>			<b>\$2,373,995</b>	<b>\$2,365,329</b>
<b>General Services Fund (GSF) Group</b>				
4070	019604	County Representation	\$351,149	\$354,248
4080	019605	Client Payments*	\$254,310	\$250,976
5CX0	019617	Civil Case Filing Fee	\$532,136	\$528,476
<b>General Services Fund Group Subtotal</b>			<b>\$1,137,595</b>	<b>\$1,133,700</b>
<b>Federal Special Revenue Fund (FED) Group</b>				
3S80	019608	Federal Representation	\$204,706	\$202,942
<b>Federal Special Revenue Fund Group Subtotal</b>			<b>\$204,706</b>	<b>\$202,942</b>
<b>State Special Revenue Fund (SSR) Group</b>				
5DY0	019619	Indigent Defense Support – State Office*	\$3,135,186	\$3,207,782
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$3,135,186</b>	<b>\$3,207,782</b>
<b>Total Funding: State Legal Defense Services</b>			<b>\$6,851,482</b>	<b>\$6,909,753</b>

\*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports the State Legal Defense Services Program.

The specific types of services and activities grouped under the State Legal Defense Services category are described in more detail below.

- **Appeals and Post-conviction Representation.** This is a program with the purpose of providing legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated. Claims of unlawful incarceration of indigent persons are reviewed to determine whether their claims have arguable merit. If arguable merit is present, attorney staff may litigate the claim in the appropriate court. This program has 12 staff attorneys and three supervising attorneys who provide representation in over 800 cases per year where the indigent claim unlawful incarceration.
- **Death Penalty Representation.** This is a program with the purpose of providing competent legal counsel to indigent persons under the sentence of death (Ohio's death row inmates on direct appeal, state post-conviction, federal habeas corpus, and clemency appeals), as well as legal assistance, criminal investigation and mitigation, and trial services to private appointed attorneys in such cases. This program also supports training seminars on death penalty law to help ensure that the state bar meets requirements imposed under Ohio Supreme Court Superintendence Rule 20. This program has 15 attorneys, of which three are supervisors. The

remaining 12 are available to work on capital appeals, post-conviction, and habeas corpus cases. The three supervising attorneys also provide representation, but carry a smaller caseload. These attorneys not only provide counsel during the review of death penalty cases through the state courts, but also as those cases go through the federal habeas corpus litigation process, which is complex and time consuming.

- **Intake and Prison Services.** This program consists of three units: (1) Intake, which fields calls, handles routine questions, and receives initial requests for legal representation, (2) Records Management, which opens new case files, gathers relevant documents, delivers the files to supervisors for attorney assignment, and generates statistical reports, and (3) Prison Legal Services, which provides legal advice to inmates at the three reception centers in Ohio's prison system. Incoming inmates receive an orientation, information regarding their legal rights, and an opportunity to speak with an attorney regarding their case. The program also provides representation in select parole revocation matters. During FY 2012, the Commission provided representation in about 250 parole board cases; a similar annual caseload is expected in FY 2014 and FY 2015.
- **Juvenile Legal Assistance.** This is a program with the purpose of providing legal assistance and representation to juveniles who have been committed to the Department of Youth Services (DYS). Upon entering a DYS correctional facility, juveniles receive an orientation from staff attorneys and have an opportunity to have their case reviewed. The number of juveniles currently in the care and custody of DYS is around 600. Additional activities include gathering general information for the juvenile, correcting sentencing errors, filing motions in juvenile court, and representing juveniles on appeal. With limited staff resources (this section has only five attorneys), not every case can be heard. Those cases with the strongest issues and the highest probability for relief will be processed. The program also coordinates and provides training to defense attorneys who handle juvenile work and provides legislative advocacy on right to counsel issues and other substantive issues involving children in the juvenile justice system.<sup>3</sup>

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<sup>3</sup> A permanent law provision in the budget specifically authorizes the State Public Defender to provide legal representation and services to a child committed to the Department of Youth Services relative to the fact, duration, and conditions of the child's confinement. This provision also requires the Department of Youth Services to give the State Public Defender access to the child and any Department of Youth Services institution or record that the State Public Defender needs to provide authorized representation and services.

- **Legal Resource Center.** This program supports the Commission's Law Library, which is maintained pursuant to R.C. 120.04(B)(1) requiring it to maintain an office equipped with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment. The Law Library maintains a collection of print and electronic media materials to be used by Commission staff. Reference and research resources are also provided to all Commission staff, county public defenders, appointed counsel, and correctional institution librarians.
- **Trial Services.** The purpose of this program is to provide direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio. Given that only three staff attorneys are available, representation is provided in a limited number of cases. Generally, the only time this program provides representation is when there are no local attorneys qualified to provide representation in a case, typically serious capital cases. Representation may also be provided in situations where local counsel is available, but none are willing to take the case. With some frequency, local judges appoint Trial Services Program attorneys to take over the representation of an indigent defendant whose case proved to be too difficult or time consuming for a private appointed attorney to form the constitutionally requisite attorney-client relationship.
- **Investigation Services.** The purpose of this program is to provide both criminal and mitigation investigation services for Commission staff attorneys on trial and appellate level death penalty and nondeath penalty cases on behalf of indigent defendants in both adult and juvenile courts in Ohio. The program also provides criminal and mitigation investigation services for county public defender attorneys and court appointed attorneys on death penalty and nondeath penalty cases on behalf of indigent defendants.

The following narrative discusses the purpose of each appropriated line item for State Legal Defense Services and how its recommended FY 2014 and FY 2015 appropriation will be allocated.

#### **State Legal Defense Services (GRF line item 019401)**

This GRF line item is used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series. Roughly

90% covers payroll expenses. For the portion of the line item supporting this program, the executive proposed budget provides:

- \$2,373,995 in FY 2014, which is \$154,174, or 6.1%, less than the estimated amount allocated for this purpose in FY 2013.
- \$2,365,329 in FY 2015, which is \$8,666, or 0.4%, less than the recommended allocation for FY 2014.

This recommended level of GRF funding will allow for the continuation of FY 2013 levels of State Legal Defense Services.

#### **County Representation (GSF line item 019604)**

This GSF line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of these moneys is statutorily restricted to be used by the State Public Defender to provide legal representation for indigent persons, or to provide investigation or mitigation services.

The executive budget provides the Commission requested appropriation for this line item in each of FY 2014 and FY 2015: \$351,149 and \$354,248, respectively. The recommended appropriation for FY 2014 is \$9,358, or 2.6%, less than the FY 2013 estimated expenditure of \$360,507. The FY 2015 recommended appropriation is 0.9% more than FY 2014 recommended appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses, and secondarily for a possible mix of purchased personal services, and maintenance and supplies.

#### **Civil Case Filing Fee (GSF line item 019617)**

The GSF line item is supported by certain locally collected filing fees that are deposited in the state treasury for the purpose of appointing assistant public defenders and for providing other personnel, equipment, and facilities necessary for operation of the Ohio Public Defender Commission.

The executive budget provides the Commission requested total appropriation for this line item in each of FY 2014 and FY 2015: \$532,136 and \$528,476, respectively. The recommended appropriation for FY 2014 is \$9,821, or 1.8%, less than the FY 2013 estimated expenditure of \$541,957. The FY 2015 recommended appropriation is \$3,660, or 0.7%, less than FY 2014 recommended appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses.

#### **Federal Representation (FED line item 019608)**

This federal line item contributes to the funding of State Legal Defense Services, particularly those involving death penalty representation, and contains the payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus

proceedings, primarily matters involving the death penalty.<sup>4</sup> These federal payments are used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court.

The executive budget provides the Commission requested appropriation for this line item in each of FY 2014 and FY 2015: \$204,706 and \$202,942, respectively. The FY 2014 appropriation represents a \$19,706, or 10.7%, increase from the estimated expenditure of \$185,000 in FY 2013. The FY 2015 appropriation represents a \$1,764, or 0.9%, decrease from the recommended FY 2014 appropriation.

The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses.

### **Indigent Defense Support – State Share (SSR line item 019619)**

Of this SSR line item, which draws its appropriation from the Indigent Defense Support Fund (Fund 5DY0), 59% of the total executive recommended appropriation will be utilized to support the functions of the State Legal Defense Services Program. The remaining 41% will be utilized in the Program Management area to cover expenses related to the agency wide operations.

For the portion of the line item supporting the State Legal Defense Services Program, the executive proposed budget provides:

- \$3,135,186 in FY 2014, which is \$122,719, or 3.8%, less than the estimated amount allocated for this purpose in FY 2013.
- \$3,207,782 in FY 2015, which is \$72,596, or 2.3%, more than the recommended allocation for FY 2014.

These recommendations should be sufficient to continue FY 2013 levels of services. The appropriated amount in each fiscal year will be allocated largely to support payroll-related expenses, and secondarily a mix of purchased personal services, and maintenance and supplies.

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<sup>4</sup> Habeas corpus is an appeal to the federal courts for wrongful conviction and unconstitutional imprisonment. A habeas petition is filed after a defendant has exhausted his or her direct appeal and state post-conviction remedies. In this instance, a defendant combines all of the prior claims raised on direct appeal and state post-conviction and he or she raises them in one petition in the United States District Court. All habeas cases, win or lose, are reviewed by the United States Court of Appeals for the Sixth Circuit in Cincinnati. In this habeas petition, the defendant may only seek relief on claims that involve a violation of the United States Constitution, for example, a violation of the 6th Amendment right to effective counsel or a violation of the 8th Amendment right to present mitigating evidence for sentencing.

## Category 2: County-Level Indigent Defense

This category of appropriations encapsulates the line items that the Commission uses to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county courts. With this portion of its budget, the Commission partially subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters pursuant to R.C. 120.18, 120.28, and 120.33 to 120.35. State law stipulates that the Commission reimburse counties 50% of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50%, in which case each county receives a reduced, but equal share.

These services and activities also include establishing standards (including indigence), guidelines, and maximum fees for state reimbursement of county-level indigent defense services, and monitoring county compliance with those standards.

For the current FY 2012-FY 2013 biennium, the GRF is expected to provide a total of \$6.6 million as the state share of providing county-level indigent defense. The recommended GRF amount for this purpose for the FY 2014-FY 2015 biennium totals \$22.9 million, an increase of \$16.3 million over the current biennium. This increase in GRF funding, when combined with non-GRF funding, will allow the Commission to increase the county reimbursement rate from 35% in FY 2012 and FY 2013 to an estimated 40% in FY 2014 and FY 2015. The recommended appropriation in the executive budget will support about 30.0 full-time equivalent (FTE) staff positions in this program series.

Table 7 below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its recommended FY 2014 and FY 2015 appropriations will be allocated.

<b>Table 7. Executive Recommended Amounts for County-Level Indigent Defense</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019403	Multi-County: State Share	\$1,237,318	\$1,250,824
GRF	019404	Trumbull County – State Share	\$354,743	\$359,631
GRF	019405	Training Account	\$50,000	\$50,000
GRF	019501	County Reimbursement	\$9,768,050	\$9,885,175
<b>General Revenue Fund Subtotal</b>			<b>\$11,410,111</b>	<b>\$11,545,630</b>
<b>State Special Revenue (SSR) Fund Group</b>				
4C70	019601	Multi-County: County Share	\$2,297,876	\$2,322,959
4X70	019610	Trumbull County – County Share	\$658,809	\$667,887
5DY0	019618	Indigent Defense Support – County Share	\$40,320,991	\$41,191,285
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$43,277,676</b>	<b>\$44,182,131</b>
<b>Total Funding: County-Level Indigent Defense</b>			<b>\$54,687,787</b>	<b>\$55,727,761</b>

### **Training Account (GRF line item 019405)**

This GRF line item is used exclusively for the Commission's Pro Bono Training Program, under which it contracts with private and nonprofit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program.

The executive recommendation of \$50,000 in each of FY 2014 and FY 2015 is the same funding level as the estimated FY 2013 expenditure. In previous years, the appropriation in this line item has been cut, and the Commission, in response, was forced to reduce training opportunities. In FY 2010 and FY 2011, the Commission began to reestablish previous levels of training, and ultimately provide training sessions to every attorney appointed to criminal cases. The executive recommended budget should enable the Commission to provide training seminars to about 328 attorneys. All of the amounts appropriated in each fiscal year will be used to pay companies to deliver pro bono training.

The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$200 per attorney for the two-day Rule 20 seminars. The seminars are provided free of charge to attorneys who are employees of a county public defender office, who contract with the Ohio Public Defender to represent criminal defendants, or who agree to provide representation in an indigent case at no charge to the state. There are currently over 4,000 private attorneys who accept indigent criminal appointments in this state, as well as over 360 part-time or full-time public defenders.

**County Reimbursement (GRF line item 019501)**

This GRF line item has been used to reimburse counties for up to 50% of their indigent defense expenditures on both noncapital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for noncapital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally.

The executive recommended appropriation for FY 2014 is \$9,768,050, which is \$7.7 million, or almost four times, greater than the FY 2013 estimated expenditure of \$2,023,098. In FY 2015, the recommended appropriation is \$9,885,175, which is \$117,125, or 1.2%, more than the FY 2014 recommendation.

These recommended appropriations, when combined with non-GRF funding, will support an increase in the county reimbursement rate for indigent criminal defense services from the current rate of 35% to an estimated 40% in FY 2014 and FY 2015.

**Branch Offices (GRF line items 019403/019404; SSR line items 019601/019610)**

This set of GRF and SSR line items pay for the expenses associated with operating branch offices. Under the Branch Offices Program, the State Public Defender provides local indigent defense services as an alternative to traditional appointed counsel or county public defender offices. The Commission currently operates two such offices, referred to as the Trumbull County Branch Office and the Multi-County Branch Office. These state public defender-operated offices are authorized under R.C. 120.04(C)(7).

For FY 2013, the branch office system is projected to handle 19,070 cases at a cost of about \$4.3 million. The branch office system is projected to handle 19,550 and 20,040 cases in FY 2014 and FY 2015, respectively. The cost is estimated at \$4.5 million in FY 2014 and \$4.6 million in FY 2015.

Although the branch office systems operate as an alternative to traditional public defender offices and appointed counsel systems, these operations are still affected by changes in state funding just like the direct reimbursement systems.

The executive recommendation for the GRF state share of the branch office system is at the requested level for both FY 2014 (\$1,592,061) and FY 2015 (\$1,610,455). The FY 2014 appropriation is \$11,589, or 0.7%, more than the FY 2013 estimated expenditure of \$1,580,472. The FY 2015 recommended appropriation is \$18,394, or 1.2%, more than the FY 2014 recommendation.

These GRF and non-GRF appropriations for the branch offices are generally structured to keep the reimbursement rates for the branch offices equal to the reimbursement rates expected for the other counties that are reimbursed from line items 019501, County Reimbursement, and 019618, Indigent Defense Support – County Share. These counties are expected to receive an increased reimbursement rate of 40% over the

next two fiscal years. Since the branch offices are funded with different line items, adjustments are often made during any given fiscal year to the state share of the branch office appropriations to keep the reimbursement rates equal across all counties.

**Trumbull County Branch Office.** This office, established in FY 1985, provides local indigent defense services for Trumbull County. The recommended appropriation for this branch office (GRF line item 019404 plus SSR line item 019610) totals around \$1.0 million annually. The appropriated amount in each fiscal year will be allocated primarily to cover payroll and purchased personal services, and secondarily for a mix of supplies and maintenance, and equipment.

**Multi-County Branch Office.** This office provides local indigent defense services to ten counties in the southern and southeastern part of Ohio. The ten counties are Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington, with public defender offices located in Athens, Ross, and Washington counties. The Multi-County Branch Office was established in January 1991.

The recommended appropriation for this branch office (GRF line item 019403 plus SSR line item 019601) totals in the range of about \$3.6 million annually. The appropriated amount in each fiscal year will be allocated primarily to cover payroll and purchased personal services, and secondarily for a mix of supplies and maintenance, and equipment.

#### **Indigent Defense Support – County Share (SSR line item 019618)**

This SSR line item, which draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), will be used as part of the Commission's county reimbursement system. The executive recommended appropriations are \$40,320,991 in FY 2014, and \$41,191,285 in FY 2015, and will be backed by non-GRF revenues collected from the mix of fines, fees, and court costs deposited in Fund 5DY0.

The recommended biennial appropriation for this line item, when combined with the nearly \$19.7 million in biennial funding for indigent defense reimbursement appropriated to GRF line item 019501, County Reimbursement, will allow for an increase in the level of support for County-Level Indigent Defense in the FY 2014-FY 2015 biennium. The combined amount of recommended GRF and non-GRF appropriations for county indigent defense reimbursement totals about \$50.1 million in FY 2014, and about \$51.1 million in FY 2015 (GRF line item 019501 + SSR line item 019618). At this level of funding, the county reimbursement rate for indigent defense services is expected to increase to about 40% in each of FY 2014 and FY 2015.

### Category 3: Ohio Legal Assistance Foundation

This category of appropriations is exclusively to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies. The Foundation, established by Am. Sub. H.B. 152 of the 120th General Assembly, effective July 1993, develops financial support and solicits financial contributions for use in providing assistance to Ohio's legal aid societies. Moneys from dedicated funding sources, including, but not limited to, the interest earned on certain trust and real estate escrow accounts, are deposited to the credit of the Legal Aid Fund (Fund 5740) and are then passed through the Commission to the Foundation. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

Table 8 below shows the single line item that is used for civil legal aid purposes, as well as the executive recommended funding levels. It is then followed by a narrative describing how that appropriation amount will be used, and as appropriate, the implications of the executive recommended funding levels.

<b>Table 8. Executive Recommended Amounts for the Ohio Legal Assistance Foundation</b>					
<b>Fund</b>	<b>ALI and Name</b>			<b>FY 2014</b>	<b>FY 2015</b>
<b>State Special Revenue (SSR) Fund Group</b>					
5740	019606	Civil Legal Aid		\$20,000,000	\$20,000,000
<b>Total Funding: Ohio Legal Assistance Foundation</b>				<b>\$20,000,000</b>	<b>\$20,000,000</b>

#### Civil Legal Aid (SSR line item 019606)

The executive recommended budget fully funds the Commission's requested annual appropriation of \$20 million in each of FY 2014 and FY 2015, amounts that are used to support the state's legal aid societies. The revenue received from certain interest bearing trust and real estate escrow accounts is very sensitive to fluctuations in interest rates. The requested appropriations generally are based on the expected returns from these accounts. A small amount, estimated at \$7,000 in each of FY 2014 and FY 2015, will be charged as administrative costs borne by the Commission for salaries and telephone expenses associated with managing Foundation activities.

## Category 4: Program Management

This category encompasses the services and activities performed by the Commission's Administrative Division, which provides the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, and delivery. In addition, the Administrative Division also provides services specifically mandated by R.C. Chapter 120., including: collecting reimbursement from the counties for legal services provided by the Ohio Public Defender, processing reimbursement to the counties for indigent defense programs, and producing educational seminars and conferences.

The total amount to be allocated from the executive recommended budget for the Program Management category in FY 2014 and FY 2015 is \$3,272,787 and \$3,636,368, respectively. The total appropriation should be sufficient to maintain the current level of program management services, including payroll related expenses for 29.3 full-time equivalent (FTE) staff positions. For FY 2012, the total amount expended for this category was \$2,974,946, and for FY 2013, is estimated at \$3,365,761.

Table 9 below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its recommended FY 2014 and FY 2015 appropriations will be allocated.

<b>Table 9. Executive Recommended Amounts for Program Management</b>					
<b>Fund</b>	<b>ALI and Name</b>			<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>					
GRF	019401	State Legal Defense Services*		\$646,860	\$655,526
<b>General Revenue Fund Subtotal</b>				<b>\$646,860</b>	<b>\$655,526</b>
<b>General Services Fund (GSF) Group</b>					
4080	019605	Client Payments*		\$470,834	\$471,955
<b>General Services Fund Group Subtotal</b>				<b>\$470,834</b>	<b>\$471,955</b>
<b>Federal Special Revenue Fund (FED) Group</b>					
3FX0	019621	Wrongful Conviction Program		\$103,950	\$103,950
<b>Federal Special Revenue Fund Group Subtotal</b>				<b>\$103,950</b>	<b>\$103,950</b>
<b>State Special Revenue Fund (SSR) Group</b>					
5DY0	019619	Indigent Defense Support – State Share		\$2,051,143	\$2,404,937
<b>State Special Revenue Fund Group Subtotal</b>				<b>\$2,051,143</b>	<b>\$2,404,937</b>
<b>Total Funding: Program Management</b>				<b>\$3,272,787</b>	<b>\$3,636,368</b>

\*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports Program Management.

**State Legal Defense Services (GRF line item 019401)**

This GRF line item is used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series, and secondarily Program Management. Most of the amounts for Program Management in each year will be allocated for a mix of payroll and purchased personal services, and should be sufficient to maintain FY 2013 service levels.

**Client Payments (GSF line item 019605)**

GSF line item 019605, Client Payments, draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee. This money may only be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the Commission's operation, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, and (3) provide assistance to counties in the operation of county indigent defense systems.

Of the total amount recommended for this GSF line item, the executive budget proposes to allocate \$470,834, or 64.9%, in FY 2014 for operating expenses of the Commission's Administrative Division. In 2015, the executive recommended budget allocates \$471,955, or 65.3% of the total Client Payments appropriation for the administrative functions of the Commission. The appropriated amount in each will be allocated for a mix of operating expenses, primarily payroll.

**Wrongful Conviction Program (FED line item 019621)**

This line item is being used to disburse a two-year grant, in the amount of \$249,648, from the U.S. Department of Justice's Wrongful Conviction Review Program. The grant is awarded to help states: (1) provide quality representation to individuals claiming wrongful conviction for crimes they did not commit, (2) reduce the burdens placed on the criminal justice system through costly post-conviction litigation, and (3) identify wherever possible the actual perpetrator of the crime. The Commission is using the federal grant specifically to fund the Wrongful Conviction Project that was launched in the fall of 2009 and has been operating with assistance from The Ohio State University Moritz College of Law and Capital University Law School. The specific uses of money include the continuing employment of an attorney that works exclusively on non-DNA innocence claims, and the hiring of a full-time investigator and two part-time legal interns to assist the attorney. Funds will also be used to pay for ongoing training critical to this type of legal work.

The recommended appropriation for the Wrongful Conviction Program is \$103,950 in each of FY 2014 and FY 2015, which is the same as the amount requested by the Commission. This recommended appropriation is \$25,762, or 19.7%, less than the FY 2013 estimated expenditure of \$129,712. The appropriation will be used to pay the costs associated with payroll, purchased services, and some supplies and maintenance.

### **Indigent Defense Support – State Share (SSR line item 019619)**

Of this SSR line item, which draws its appropriation from the Indigent Defense Support Fund (Fund 5DY0), 41% of the total executive recommended appropriation will be utilized to support Program Management. The remaining 59% will be utilized in the State Legal Defense Services Program.

For the portion of the line item supporting Program Management, the executive proposed budget provides:

- \$2,051,143 in FY 2014, which is \$136,239, or 7.1%, more than the estimated amount allocated for this purpose in FY 2013.
- \$2,404,937 in FY 2015, which is \$353,764, or 17.2%, more than the recommended allocation for FY 2014.

This recommended level of GRF funding will allow for the continuation of FY 2013 levels of Program Management services and activities. The appropriated amount in each fiscal year will be allocated largely to support payroll-related expenses, and secondarily a mix of purchased personal services, maintenance and supplies, and equipment.

### **Summary of Line Items Shared with State Legal Defense Services**

As noted, under the executive budget, Program Management and State Legal Defense Services will share the funding appropriated to three line items used by the Commission. Table 10 below summarizes the FY 2014-FY 2015 biennial funding for those three line items and the amounts that are planned to be allocated between the Program Management and State Legal Defense Service categories.

<b>Table 10. Program Management Allocations from Line Items Shared with State Legal Defense Service, FY 2014-FY 2015</b>				
<b>Fund Group/ Line Item</b>	<b>Line Name</b>	<b>Total Biennial Appropriation</b>	<b>Program Management Allocation</b>	<b>State Legal Defense Services Allocation</b>
GRF/019401	State Legal Defense Services	\$6,041,710	\$1,302,386	\$4,739,324
GSF/019605	Client Payments	\$1,448,075	\$942,789	\$505,286
SSR/019619	Indigent Defense Support	\$10,799,048	\$4,456,080	\$6,342,968
<b>Total</b>		<b>\$18,288,833</b>	<b>\$6,701,225</b>	<b>\$11,587,578</b>

## Ohio Public Defender Commission

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### General Revenue Fund

#### GRF 019321 Public Defender Administration

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$723,798	\$595,844	\$3,078	\$0	\$0	\$0
	-17.7%	-99.5%	-100%	N/A	N/A

**Source:** General Revenue Fund

**Legal Basis:** Discontinued line item (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** This line item was used for operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) incurred by the Administrative Division in delivering agency support services. Those services included, but were not limited to, fiscal and accounting, human resources, computer information systems, general office services (purchasing, inventory, records management, fleet management, and delivery), library maintenance, and county reimbursement collections and payments. Effective FY 2012, money for these purposes is being allocated from other, mostly non-GRF, funds used by the Public Defender Commission.

#### GRF 019401 State Legal Defense Services

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$4,147,222	\$3,429,020	\$2,600,102	\$3,020,855	\$3,020,855	\$3,020,855
	-17.3%	-24.2%	16.2%	0.0%	0.0%

**Source:** General Revenue Fund

**Legal Basis:** Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** This line item is used primarily for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series. The function of that program series is to provide legal representation and services in non-capital and capital cases to indigent adults, juveniles, and incarcerated individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation. Non-capital and capital cases are handled by the Commission's Legal Division and Death Penalty Division, respectively.

## Ohio Public Defender Commission

**GRF 019403 Multi-County: State Share**

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$1,025,382	\$1,185,436	\$1,163,138	\$1,216,064	<b>\$1,237,318</b>	<b>\$1,250,824</b>
	15.6%	-1.9%	4.6%	<b>1.7%</b>	<b>1.1%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on December 17, 1990)

**Purpose:** This line item provides funding for the state's share of operating expenses incurred in the running of the Commission's Multi-County Branch Office Program, costs that include a mix of payroll, purchased personal services, supplies and maintenance, and equipment. The program, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

Each county's contribution to the program is deposited in the state treasury to the credit of Fund 4C70 (line item 019601, Multi-County: County Share). The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### GRF 019404 Trumbull County - State Share

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$328,601	\$343,837	\$332,043	\$364,408	<b>\$354,743</b>	<b>\$359,631</b>
	4.6%	-3.4%	9.7%	<b>-2.7%</b>	<b>1.4%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** This line item funds the state's share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities. The local share of the branch office is deposited in the state treasury to the credit of Fund 4X70 (line item 019610, Trumbull County - County Share).

## Ohio Public Defender Commission

### GRF 019405 Training Account

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$45,490	\$36,415	\$50,000	\$50,000	<b>\$50,000</b>	<b>\$50,000</b>
	-19.9%	37.3%	0.0%	<b>0.0%</b>	<b>0.0%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for the program resides in ORC 120.03(D)(2)(c); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 171 of the 117th G.A., the main operating appropriations act covering FY 1988 and FY 1989)

**Purpose:** Pursuant to temporary law, this line item is used exclusively for the Commission's Pro Bono Training Program, under which it contracts with private and non-profit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program. The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$200 per attorney for the two-day Rule 20 seminars.

The Commission allows private attorneys to attend seminars at no cost to the attorney. In exchange for free attendance, each attorney must provide one pro bono (for free) case for every seminar attended. Pro bono cases must be provided within one year of the seminar date, and pro bono attorneys are limited to two seminars per year. Public defenders also are limited to two seminars per year.

## Ohio Public Defender Commission

### GRF 019501 County Reimbursement

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$14,131,314	\$11,074,886	\$1,448,133	\$2,023,098	<b>\$9,768,050</b>	<b>\$9,885,175</b>
	-21.6%	-86.9%	39.7%	<b>382.8%</b>	<b>1.2%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority and guidelines for the reimbursement program reside in various ORC sections, including 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 164 of the 111th G.A., the act establishing state, county, and joint county public defenders)

**Purpose:** Since the start of FY 2006, this line item is being used to reimburse counties for up to 50% of their indigent defense expenditures on non-capital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for non-capital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally. Since FY 2010, a significantly larger portion of this state reimbursement has been covered by money appropriated from the Indigent Defense Support Fund (Fund 5DY0, line item 019618, Indigent Defense Support - County Share).

## General Services Fund Group

### 4070 019604 County Representation

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$147,669	\$180,173	\$226,053	\$360,507	<b>\$351,149</b>	<b>\$354,248</b>
	22.0%	25.5%	59.5%	<b>-2.6%</b>	<b>0.9%</b>

**Source:** General Services Fund Group: Money paid to the State Public Defender by a county that has requested the State Public Defender provide counsel in local cases (upon providing such representation, the State Public Defender bills the county for a portion of the legal representation costs, including investigation or mitigation services provided)

**Legal Basis:** ORC 120.06(D)(4); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** This line item is statutorily restricted for use by the State Public Defender to: (1) provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender, or (2) provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court.

## Ohio Public Defender Commission

### 4080 019605 Client Payments

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$778,176	\$695,180	\$866,494	\$790,805	<b>\$725,144</b>	<b>\$722,931</b>
	-10.7%	24.6%	-8.7%	<b>-8.3%</b>	<b>-0.3%</b>

**Source:** General Services Fund Group: (1) All money collected by the state from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense through a recoupment, reimbursement, contribution, or partial payment plan, and (2) starting with FY 2006, 20%, or \$5, of a non-refundable \$25 application fee, unless waived or reduced by the court, assessed a defendant in a criminal case or a party in a juvenile court case when requesting or provided a state public defender, county or joint county defender, or court-appointed counsel (the remaining 80%, or \$20, of the \$25 non-refundable application fee is retained by the county to offset the costs of providing legal representation to indigent persons)

**Legal Basis:** ORC 120.04(B)(5) and 120.36(D); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** This line item is statutorily restricted to pay for costs associated with: (1) appointing assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the Office of the State Public Defender, (2) reimbursing counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to ORC 120.18, 120.28, and 120.33, and (3) providing assistance to counties in the operation of county indigent defense systems.

## Ohio Public Defender Commission

### 5CX0 019617 Civil Case Filing Fee

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$683,797	\$702,133	\$532,136	\$541,957	<b>\$532,136</b>	<b>\$528,476</b>
	2.7%	-24.2%	1.8%	-1.8%	-0.7%

**Source:** General Services Fund Group: 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas; remainder of the filing fee amounts collected, or 96%, credited to the state's Legal Aid Fund (Fund 5740)

**Legal Basis:** ORC 120.07; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 66 of the 126th G.A., the main operating appropriations act covering FY 2006 and FY 2007)

**Purpose:** This line item is statutorily restricted for use by the State Public Defender for the purpose of appointing assistant state public defenders and for providing other personnel, equipment, and facilities necessary for the operation of the Office of the State Public Defender.

## Federal Special Revenue Fund Group

### 3FF0 019620 Capital Case Litigation

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$0	\$94,500	\$0	\$0	<b>\$0</b>	<b>\$0</b>
	N/A	-100%	N/A	<b>N/A</b>	<b>N/A</b>

**Source:** Federal Special Revenue Fund Group: CFDA 16.746, Capital Case Litigation

**Legal Basis:** Discontinued line item (originally established by Controlling Board on February 7, 2011)

**Purpose:** This line item was used to disburse a onetime federal grant awarded for the purpose of providing training on death penalty issues to defense attorneys who litigate death penalty cases. The Commission used the money to sponsor a five-day, skills-based seminar.

## Ohio Public Defender Commission

### 3FX0 019621 Wrongful Conviction Program

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$0	\$0	\$0	\$129,712	<b>\$103,950</b>	<b>\$103,950</b>
	N/A	N/A	N/A	-19.9%	0.0%

**Source:** Federal Special Revenue Fund Group: CFDA 16.746, Capital Case Litigation

**Legal Basis:** Established by Controlling Board on September 10, 2012

**Purpose:** This line item is being used to disburse a two-year grant, in the amount of \$249,648, from the U.S. Department of Justice's Wrongful Conviction Review Program. The grant is awarded to help states: (1) provide quality representation to individuals claiming wrongful conviction for crimes they did not commit, (2) reduce the burdens placed on the criminal justice system through costly post-conviction litigation, and (3) identify wherever possible the actual perpetrator of the crime.

The specific uses of money include the continuing employment of an attorney that works exclusively on non-DNA innocence claims, and the hiring of a full-time investigator and two part-time legal interns to assist the attorney. Funds will also be used to pay for ongoing training critical to this type of legal work

### 3S80 019608 Federal Representation

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$194,964	\$184,652	\$234,526	\$185,000	<b>\$204,706</b>	<b>\$202,942</b>
	-5.3%	27.0%	-21.1%	<b>10.7%</b>	<b>-0.9%</b>

**Source:** Federal Special Revenue Fund Group: Payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus proceedings, primarily matters involving the death penalty

**Legal Basis:** Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on March 2, 1998)

**Purpose:** This line item is used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court.

## Ohio Public Defender Commission

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### State Special Revenue Fund Group

#### 4C70 019601 Multi-County: County Share

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$1,976,394	\$2,110,630	\$2,163,205	\$2,252,250	<b>\$2,297,876</b>	<b>\$2,322,959</b>
	6.8%	2.5%	4.1%	<b>2.0%</b>	<b>1.1%</b>

**Source:** State Special Revenue Fund Group: Payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Commission's Multi-County Branch Office

**Legal Basis:** Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on December 17, 1990)

**Purpose:** This line item covers the local share of operating the Multi-County Branch Office Program. The program, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

The state's contribution is drawn from the Commission's GRF line item 019403, Multi-County: State Share. The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### 4N90 019613 Gifts and Grants

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$0	\$21,110	\$32,329	\$23,576	<b>\$0</b>	<b>\$0</b>
	N/A	53.1%	-27.1%	<b>-100%</b>	<b>N/A</b>

**Source:** State Special Revenue Fund Group: Donations, grants, awards, and similar funds from any lawful source

**Legal Basis:** As needed line item; ORC 120.04 (C)(2); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on June 1, 1994)

**Purpose:** This line item has been used to receive, disburse, and account for gifts, grants, and awards for the operation of programs for the defense of indigent persons.

### 4X70 019610 Trumbull County - County Share

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$635,872	\$620,675	\$619,602	\$676,757	<b>\$658,809</b>	<b>\$667,887</b>
	-2.4%	-0.2%	9.2%	<b>-2.7%</b>	<b>1.4%</b>

**Source:** State Special Revenue Fund Group: Payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

**Legal Basis:** Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** This line item covers the local share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities.

The state's contribution is drawn from the Commission's GRF line item 019404, Trumbull County - State Share. The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### 5740 019606 Civil Legal Aid

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$19,937,193	\$18,903,371	\$17,402,425	\$18,014,000	<b>\$20,000,000</b>	<b>\$20,000,000</b>
	-5.2%	-7.9%	3.5%	<b>11.0%</b>	<b>0.0%</b>

**Source:** State Special Revenue Fund Group: (1) Interest generated on trust accounts established and maintained by attorneys, law firms, or legal professional associations (IOLTAs) pursuant to ORC 4705.09 and 4705.10, (2) interest generated on trust accounts established and maintained by title insurance agents or title insurance companies (IOTAs) pursuant to ORC 3953.231, (3) additional filing fees collected by municipal, county, and common pleas courts on each new civil action or proceeding pursuant to ORC 1901.26, 1907.24, and 2303.201, and (4) income from investments

**Legal Basis:** ORC 120.52; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. S.B. 219 of the 115th G.A.)

**Purpose:** This line item is statutorily directed to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies. The Foundation, established by Am. Sub. H.B. 152 of the 120th General Assembly, effective July 1993, develops financial support and solicits financial contributions for use in providing assistance to Ohio's legal aid societies. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

## Ohio Public Defender Commission

### 5DY0 019618 Indigent Defense Support - County Share

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$21,847,763	\$30,726,023	\$37,913,512	\$38,527,000	<b>\$40,320,991</b>	<b>\$41,191,285</b>
	40.6%	23.4%	1.6%	<b>4.7%</b>	<b>2.2%</b>

**Source:** State Special Revenue Fund Group: (1) Effective FY 2008, a designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) effective FY 2009, \$5 of an additional \$10 in court costs for moving violations, and (3) effective FY 2010, (a) court costs of \$30 for a felony offense and \$20 for a misdemeanor offense other than a traffic offense that is not a moving violation, (b) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (c) a designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (d) a \$25 bail bond surcharge

**Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

**Purpose:** This line item is used to reimburse counties for up to 50% of their indigent defense expenditures on non-capital and capital cases. State law requires that up to 88% of the money in the Indigent Defense Support Fund (Fund 5DY0) be used for this purpose.

## Ohio Public Defender Commission

### 5DY0 019619 Indigent Defense Support - State Office

FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Estimate	FY 2014 Introduced	FY 2015 Introduced
\$1,599,010	\$3,514,972	\$4,977,932	\$5,172,809	<b>\$5,186,329</b>	<b>\$5,612,719</b>
	119.8%	41.6%	3.9%	<b>0.3%</b>	<b>8.2%</b>

**Source:** State Special Revenue Fund Group: (1) Effective FY 2008, a designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) effective FY 2009, \$5 of an additional \$10 in court costs for moving violations, and (3) effective FY 2010, (a) court costs of \$30 for a felony offense and \$20 for a misdemeanor offense other than a traffic offense that is not a moving violation, (b) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (c) a designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (d) a \$25 bail bond surcharge

**Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

**Purpose:** This line item is used for the purposes of appointing assistant state public defenders or for providing other personnel, equipment, and facilities necessary for the operation of the State Public Defender Office. State law permits the State Public Defender Office to use not more than 12% of the money in the Indigent Defense Support Fund (Fund 5DY0) for these purposes.

# FY 2014 - FY 2015 Introduced Appropriation Amounts

# All Fund Groups

Line Item Detail by Agency			FY 2012	Estimate FY 2013	Introduced FY 2014	FY 2013 to FY 2014 % Change	Introduced FY 2015	FY 2014 to FY 2015 % Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: As Introduced</b>					
<b>PUB Ohio Public Defender Commission</b>								
GRF	019321	Public Defender Administration	\$ 3,078	\$0	\$0	N/A	\$0	N/A
GRF	019401	State Legal Defense Services	\$ 2,600,102	\$ 3,020,855	\$ 3,020,855	0.00%	\$ 3,020,855	0.00%
GRF	019403	Multi-County: State Share	\$ 1,163,138	\$ 1,216,064	\$ 1,237,318	1.75%	\$ 1,250,824	1.09%
GRF	019404	Trumbull County - State Share	\$ 332,043	\$ 364,408	\$ 354,743	-2.65%	\$ 359,631	1.38%
GRF	019405	Training Account	\$ 50,000	\$ 50,000	\$ 50,000	0.00%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 1,448,133	\$ 2,023,098	\$ 9,768,050	382.83%	\$ 9,885,175	1.20%
<b>General Revenue Fund Total</b>			<b>\$ 5,596,494</b>	<b>\$ 6,674,425</b>	<b>\$ 14,430,966</b>	<b>116.21%</b>	<b>\$ 14,566,485</b>	<b>0.94%</b>
4070	019604	County Representation	\$ 226,053	\$ 360,507	\$ 351,149	-2.60%	\$ 354,248	0.88%
4080	019605	Client Payments	\$ 866,494	\$ 790,805	\$ 725,144	-8.30%	\$ 722,931	-0.31%
5CX0	019617	Civil Case Filing Fee	\$ 532,136	\$ 541,957	\$ 532,136	-1.81%	\$ 528,476	-0.69%
<b>General Services Fund Group Total</b>			<b>\$ 1,624,683</b>	<b>\$ 1,693,269</b>	<b>\$ 1,608,429</b>	<b>-5.01%</b>	<b>\$ 1,605,655</b>	<b>-0.17%</b>
3FX0	019621	Wrongful Conviction Program	\$0	\$ 129,712	\$ 103,950	-19.86%	\$ 103,950	0.00%
3S80	019608	Federal Representation	\$ 234,526	\$ 185,000	\$ 204,706	10.65%	\$ 202,942	-0.86%
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 234,526</b>	<b>\$ 314,712</b>	<b>\$ 308,656</b>	<b>-1.92%</b>	<b>\$ 306,892</b>	<b>-0.57%</b>
4C70	019601	Multi-County: County Share	\$ 2,163,205	\$ 2,252,250	\$ 2,297,876	2.03%	\$ 2,322,959	1.09%
4N90	019613	Gifts and Grants	\$ 32,329	\$ 23,576	\$ 0	-100.00%	\$ 0	N/A
4X70	019610	Trumbull County - County Share	\$ 619,602	\$ 676,757	\$ 658,809	-2.65%	\$ 667,887	1.38%
5740	019606	Civil Legal Aid	\$ 17,402,425	\$ 18,014,000	\$ 20,000,000	11.02%	\$ 20,000,000	0.00%
5DY0	019618	Indigent Defense Support - County Share	\$ 37,913,512	\$ 38,527,000	\$ 40,320,991	4.66%	\$ 41,191,285	2.16%
5DY0	019619	Indigent Defense Support - State Office	\$ 4,977,932	\$ 5,172,809	\$ 5,186,329	0.26%	\$ 5,612,719	8.22%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 63,109,004</b>	<b>\$ 64,666,392</b>	<b>\$ 68,464,005</b>	<b>5.87%</b>	<b>\$ 69,794,850</b>	<b>1.94%</b>
<b>Ohio Public Defender Commission Total</b>			<b>\$ 70,564,707</b>	<b>\$ 73,348,798</b>	<b>\$ 84,812,056</b>	<b>15.63%</b>	<b>\$ 86,273,882</b>	<b>1.72%</b>