

Executive			As Passed by the House	As Reported by Senate Finance and Financial Institutions
1	PUB - 10	Reimbursement of Counties for Volunteer Guardian Ad Litem Programs		
No provision.			No provision.	<div>R.C. 120.03, 120.04</div> <div>Requires the State Public Defender to provide reimbursement to counties for costs associated with programs providing training and support for persons serving as qualified volunteer guardians ad litem and court appointed special advocates, and requires the Ohio Public Defender Commission to adopt rules governing such reimbursement.</div> <div>Fiscal effect: Annual increase, of uncertain magnitude, in state reimbursement expenditures.</div>
2	PUB - 9	Public Defender Fee Schedules		
No provision.			<div>R.C. 120.04</div> <div>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.</div> <div>Fiscal effect: Uncertain.</div>	No provision.

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PUB - 1

Indigent Defense Support Fund

R.C. 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22	R.C. 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22	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.	(1) Same as the Executive.	(1) Same as the Executive.
(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.	(2) Same as the Executive.	(2) Same as the Executive.
(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.	(3) Same as the Executive.	(3) Same as the Executive.
(4) Imposes a \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation.	(4) Same as the Executive.	(4) Same as the Executive.
(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.	(5) Same as the Executive.

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(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.			(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.			Fiscal effect: Same as the Executive		
4	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.			(1) No provision.		
(2) Eliminates the deduction of service charges from IOTA and IOLTA interest income.			(2) Same as the Executive.			(2) No provision.		
(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.			(3) Same as the Executive, with clarifying changes.			(3) No provision.		
(4) Removes the statutory restriction on funding legal services from the Housing Trust Fund.			(4) Same as the Executive.			(4) No provision.		

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

Fiscal effect: Same as the Executive.

5	PUB - 3	Unpaid Moneys in Class Actions - Legal Aid Fund	
R.C. 120.52, 120.53, and 2315.50	R.C. 120.52, 120.53, and 2315.50	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.	(1) Same as the Executive.	(1) Same as the Executive, but stipulates that 15% of those moneys must provide financial assistance to Ohio legal aid societies and the remaining 85% must be distributed to charities, nonprofit organizations, and charitable programs selected in the action and approved by the court.	
(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.	(2) Same as the Executive.	(2) Same as the Executive, but requires that each defendant from whom unpaid moneys are due after distribution of the monetary award must remit 15% of the unpaid moneys to the State Treasurer for deposit in the Legal Aid Fund and to notify the Ohio Legal Assistance Foundation (OLAF).	
(3) Makes a corrective change in the provision regarding rules established by OLAF in administering the Fund.	(3) Same as the Executive.	(3) Same as the Executive.	
(4) No provision.	(4) No provision.	(4) Provides that OLAF or any recipient of financial assistance from OLAF that receives or benefits from any portion of the moneys that are so remitted may not bring or maintain any class action and may not bring or maintain any class action against the state or any political subdivision of the state.	

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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.	Fiscal effect: Same as the Executive.
6	PUB - 11	IOTA Accounts in Escrow Transactions Affecting Residential and Commercial Real Property	
(1) No provision.		(1) No provision.	R.C. 1349.20, 1349.22, and 3953.231 (1) Provides that an IOTA account for the deposit of all non-directed escrow funds that meet the requirements for disbursements from escrow accounts in escrow transactions are those types of funds received by the agent to effect an escrow transaction.
(2) No provision.		(2) No provision.	(2) Defines "escrow transaction" for purposes of IOTA accounts as a transaction in which a person, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of an interest in "commercial or residential real property" to another person, provides a written instrument, money, or anything of value to an escrow or closing agent to be held by the agent until a specified event occurs or until the performance of a prescribed condition.
(3) No provision.		(3) No provision.	(3) Expands the requirements for disbursements from escrow accounts that currently apply to escrow transactions concerning residential real property to escrow transactions concerning commercial real property.
(4) No provision.		(4) No provision.	(4) Specifies that these provisions take effect January 1, 2010.
			Fiscal effect: Uncertain.

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7	PUB - 8	Civil Legal Aid Filing Fees	<div><div>R.C.1901.26, 1907.24, 2303.201</div><div>No provision.</div><div>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.</div><div>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.</div></div>	<div><div>R.C.1901.26, 1907.24, 2303.201</div><div>Same as the House, but provides that the Ohio Legal Assistance Foundation (OLAF) or any recipient of financial assistance from OLAF that receives or benefits from any portion of the additional civil filing fees may not bring or maintain any class action and may not bring or maintain any action against the state or any political subdivision of the state.</div><div>Fiscal effect: Same as the House.</div></div>
8	PUB - 4	Multi-County Office	<div><div>Section: 361.10</div><div>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.</div><div>Same as the Executive.</div></div>	<div><div>Section: 361.10</div><div>Same as the Executive.</div></div>

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9	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.	Section: 361.10 Same as the Executive.
10	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.	Section: 361.10 Same as the Executive.
11	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.	Section: 361.10 Same as the Executive.

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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.

Section: 245.10

Same as the Executive.

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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 tem 911404 for the two aforementioned purposes.

Section: 245.10

- (1) Same as the Executive.
- (2) Same as the Executive.

Section: 245.10

- (1) Same as the Executive.
- (2) Same as the Executive.

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(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.	(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.	(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.	(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.	(6) Same as the Executive.