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## OFFICE OF PUBLIC DEFENDER

### State public defender – parole hearings and private counsel

- Requires the state public defender to provide legal representation in full board hearings and parole eligibility hearings, unless the state public defender finds that the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person’s own counsel.
- Provides that if the state public defender determines that it does not have the capacity to provide the above legal representation, the state public defender may contract with private counsel to provide the above legal representation.
- Requires that if the state public defender contracts with private counsel to provide the above legal representation, the state public defender must directly pay private counsel’s legal fees and expenses from the Indigent Defense Support Fund.

### Trumbull County: county share fund

- Strikes a reference to the Trumbull County: county share fund.

### State public defender – parole hearings and private counsel

(R.C. 120.06 and 120.08)

The bill requires that the state public defender, when designated by the court or requested by the county public defender, joint county public defender, or the Director of the Department of Rehabilitation and Correction (DRC), must provide legal representation in full board hearings and parole eligibility hearings, unless the state public defender finds that the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person’s own counsel. Under current law, the state public defender, when designated by the court or requested by the county public defender, joint county public defender, or the DRC Director, must provide legal representation in parole and probation revocation matters, or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the state public defender finds that the alleged parole or probation violator, or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator’s own counsel.

The bill provides that if the state public defender determines that it does not have the capacity to provide the above legal representation, the state public defender may contract with private counsel to provide it.

The bill specifies that if the state public defender contracts with private counsel to provide the above legal representation, the state public defender must directly pay private counsel’s legal fees and expenses from the Indigent Defense Support Fund. The state public defender must use at least 83% of the money in the Indigent Defense Support Fund for the following purposes: (1) reimbursing county governments for specified expenses incurred (continuing law),

(2) operating its system (continuing law), and (3) directly paying private counsel's legal fees and expenses (the bill).

### **Trumbull County: county share fund**

(R.C. 120.04)

The bill eliminates the Trumbull County: county share fund and folds its revenues into the multicounty: county share fund. The bill strikes a reference to that fund in permanent law.