

Redbook

LBO Analysis of Executive Budget Proposal

Ohio Public Defender Commission

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TABLE OF CONTENTS

Quick look.....	1
Overview.....	2
Agency overview	2
Appropriation summary.....	2
Duties and responsibilities.....	2
County indigent defense services delivery systems	3
Analysis of FY 2024-FY 2025 budget proposal.....	4
Introduction	4
Category 1: State Legal Defense Services	5
Services and activities	5
C1:1: State Legal Defense Services (ALI 019401)	6
C1:2: Juvenile Legal Assistance (ALI 019607).....	6
C1:3: County Representation (ALI 019604).....	7
C1:4: Client Payments (ALI 019605).....	7
C1:5: Gifts and Grants (ALI 019613).....	7
C1:6: Civil Case Filing Fee (ALI 019617).....	8
C1:7: Indigent Defense Support – State Office (ALI 019619).....	8
C1:8: Federal Representation (ALI 019608)	9
Category 2: County-Level Indigent Defense	9
C2:1: Training Account (ALI 019405).....	10
C2:2: County Reimbursement (ALI 019501).....	10

C2:3: Indigent Defense Support – County Share (ALI 019618)	11
Category 3: Legal Assistance Foundation	11
C3:1: Civil Legal Aid (ALI 019606)	11
Category 4: Program Management	12
C4:1: Training and Publications (ALI 019603)	12

Attachments:

 Catalog of Budget Line Items (COBLI)

 Appropriation Spreadsheet

LBO Redbook

Ohio Public Defender Commission

Quick look...

- The Ohio Public Defender Commission (OPD) provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court.
- The executive budget recommends a total of \$481.3 million for the FY 2024-FY 2025 biennium, of which \$359.3 million, or 74.6%, is appropriated from the General Revenue Fund (GRF).
- Subsidies, largely for county criminal indigent defense service reimbursements, constitute the largest biennial spending category: 85.2%, or \$410.2 million.
- The executive budget estimates the county indigent services reimbursement rate will be funded at 100% of qualifying expenditures each fiscal year.

Fund Group	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
General Revenue (GRF)	\$146,370,807	\$151,373,197	\$175,912,300	\$183,349,100
Dedicated Purpose (DPF)	\$47,264,979	\$48,393,826	\$61,992,400	\$59,992,400
Federal (FED)	\$0	\$38,315	\$38,300	\$38,300
Total	\$193,635,786	\$199,805,338	\$237,943,000	\$243,379,800
% change	--	3.2%	19.1%	2.3%
GRF % change	--	3.4%	16.2%	4.2%

Chart 1: OPD Budget by Fund Group
FY 2024-FY 2025 Biennium

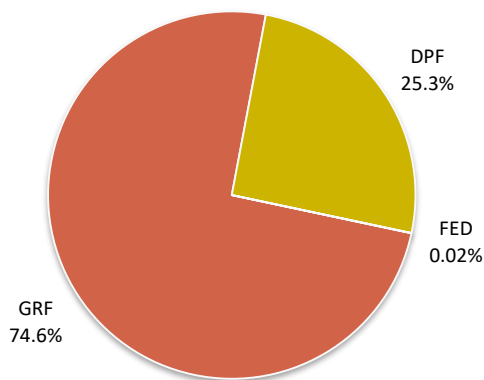
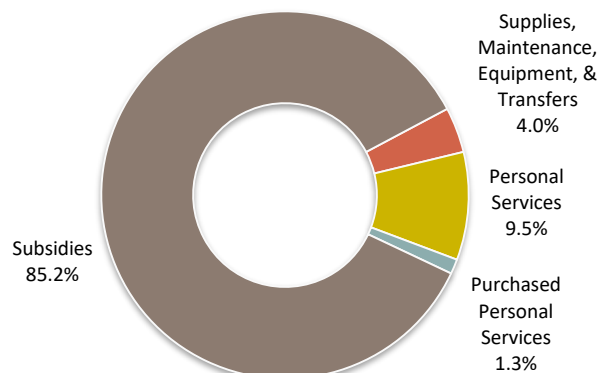


Chart 2: OPD Budget by Expense Category
FY 2024-FY 2025 Biennium



Biennial total: \$481.3 million

Overview

Agency overview

The Ohio Public Defender Commission (OPD) provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court. Also notable are the Commission's role as: (1) 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, and (2) administrator of pass-through funding for the Ohio Legal Assistance Foundation (OLAF).

The Commission consists of nine appointed members; the Governor appoints five, including the chair, and the Supreme Court of Ohio appoints the other four. No more than five 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 is authorized to employ 180 full-time equivalent (FTE) staff positions. Currently, the agency has 168 full-time employees (filled positions). It appears that the level of executive recommended funding for FY 2024 and FY 2025 will be sufficient to retain the Commission's existing employees and potentially fill a portion of its vacant positions. The Commission requested additional funding to fill seven positions in FY 2024 and five positions in FY 2025. These positions will assist OPD in meeting statutory requirements and have appropriate oversight over resources.

Appropriation summary

The executive budget provides a total appropriation of \$237.9 million in FY 2024 and \$243.4 million in FY 2025 for a combined total of \$481.3 million for the biennium. The table and Chart 1 shown in the preceding **"Quick look"** section present the executive recommended appropriations by fund group. As shown in Chart 1, the General Revenue Fund (GRF) comprises 74.6%, or \$359.3 million, of the Commission's biennial budget, and the Dedicated Purpose Fund (DPF) comprises another 25.3%, or \$122.0 million. The small remainder, 0.02%, or \$76,600, comes from the Federal Fund Group (FED).

Chart 2 in the **"Quick look"** section shows the executive recommended biennial appropriation by object of expense. The Commission's largest biennial expense category is subsidies (county indigent defense reimbursements and OLAF pass-through funding), 85.2%, or \$410.2 million. The remainder of the Commission's biennial expenses is comprised of its operating expenses, 14.8%, or \$71.1 million. This includes, in order of magnitude, personal services (9.5%); supplies, maintenance, equipment, and transfers (4.0%); and purchased personal services (1.3%).

Duties and responsibilities

In addition to its primary fiscal function of administering the state's county indigent defense reimbursement system, the Commission:

- Establishes the standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising the compliance with these standards.
- Provides technical assistance to county public defenders and appointed counsel.
- Provides 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.
- Serves as the custodian of funds that are subsequently transferred to OLAF for providing financial assistance to legal aid societies throughout the state.

County indigent defense services delivery systems

The board of county commissioners in each county determines the method of providing indigent defense services. As of February 2023, the following indigent defense service systems were in place:

- County public defender (30 counties).
- Court-appointed counsel (88 counties utilize court-appointed counsel to some degree; 40 use court-appointed counsel only (no public defender office or contracts)).
- Contract with State Public Defender (ten counties).
- County contract with a nonprofit corporation (seven counties).
- County public defender and county contract with a nonprofit corporation (one county).

Analysis of FY 2024-FY 2025 budget proposal

Introduction

This section provides an analysis of the Governor's recommended funding for each appropriation line item (ALI) in the Commission's budget. For organizational purposes, these ALIs are grouped into four major categories based on their funding purposes. The analysis for an ALI with a lower category or subcategory designation will appear before that for an ALI with a higher category or subcategory designation. That is, the analysis for an ALI with a category designation of C1:8 will appear before the analysis for an ALI with a category designation of C2:1 and the analysis for an ALI with a category designation of C1:3 will appear before the analysis for an ALI with a category designation of C1:8.

To aid the reader in locating each ALI in the analysis, the following table shows the category in which each ALI has been placed, listing the ALIs in order within their respective fund groups and funds.

In the analysis, each ALI's estimated expenditures for FY 2023 and recommended appropriations for FY 2024 and FY 2025 are listed in a table. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation that are proposed by the Governor. The narrative is divided into four categories: (1) State Legal Defense Services, (2) County-Level Indigent Defense, (3) Legal Assistance Foundation, and (4) Program Management.

Categorization of Commission's ALIs for Analysis of FY 2024-FY 2025 Budget Proposal				
Fund	ALI	ALI Name		Category
General Revenue Fund				
GRF	019401	State Legal Defense Services	C1:1	State Legal Defense Services
GRF	019405	Training Account	C2:1	County-Level Indigent Defense
GRF	019501	County Reimbursement	C2:2	County-Level Indigent Defense
Dedicated Purpose Fund Group				
1010	019607	Juvenile Legal Assistance	C1:2	State Legal Defense Services
4060	019603	Training and Publications	C4:1	Program Management
4070	019604	County Representation	C1:3	State Legal Defense Services
4080	019605	Client Payments	C1:4	State Legal Defense Services
4N90	019613	Gifts and Grants	C1:5	State Legal Defense Services
5740	019606	Civil Legal Aid	C3:1	Legal Assistance Foundation
5CX0	019617	Civil Case Filing Fee	C1:6	State Legal Defense Services
5DY0	019618	Indigent Defense Support – County Share	C2:3	County-Level Indigent Defense
5DY0	019619	Indigent Defense Support – State Office	C1:7	State Legal Defense Services
Federal Fund Group				
3S80	019608	Federal Representation	C1:8	State Legal Defense Services

Category 1: State Legal Defense Services

This category of line items pays 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.

Services and activities

The specific types of services and activities grouped under the State Legal Defense Services are noted below.

- **Appeals and Post-conviction Representation.** Provides legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated.
- **Death Penalty Representation.** Provides 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; supports training seminars on death penalty law to help ensure that the state bar meets requirements imposed under Ohio Supreme Court Superintendence Rule 20.
- **Intake and Prison Services.** Provides: (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.
- **Juvenile Legal Assistance.** Provides legal assistance and representation to juveniles who have been committed to the departments of Youth Services (DYS) or Rehabilitation and Correction (DRC); 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.
- **Legal Resource Center.** 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.
- **Trial Services.** Provides direct representation and assistance to local counsel in trial-level cases to indigent defendants throughout Ohio.
- **Investigation Services.** Provides 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; 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.

C1:1: State Legal Defense Services (ALI 019401)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
GRF ALI 019401, State Legal Defense Services	\$7,805,783	\$9,766,300	\$11,387,300
% change	--	25.1%	16.6%

This line item supports the operating expenses (personal services, purchased personal services, and supplies, maintenance, and equipment) associated primarily with the Commission's State Legal Defense Services. According to OPD, this line item currently supports approximately 48% of the agency's operating expenses. The executive budget provides this line item with an increase from FY 2023 levels to supplement higher burdens on the GRF for operating expenses due to lower revenues in recent years to Fund 5DY0. The increase will also support an additional 12 FTEs over the course of the biennium. According to OPD, the additional positions will ensure that the agency can meet the increasing caseload demands from parole revocations hearings which have increased more than 600% over the last decade, increased caseload demands created by recent legislation such as S.B. 256 of the 133rd General Assembly, and the challenge of meeting the agency's statutory obligations to oversee county indigent defense systems, enforce standards, and to provide technical assistance to local providers of indigent defense.

C1:2: Juvenile Legal Assistance (ALI 019607)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 1010 ALI 019607, Juvenile Legal Assistance	\$205,000	\$205,000	\$205,000
% change	--	0.0%	0.0%

This line item supports the provision of certain legal services to children committed to the Department of Youth Services.¹ The entirety of each year's appropriation is allocated for personal services. The appropriations will be supported by cash transferred from the Department of Youth Services pursuant to an interdepartmental agreement.

¹ State law authorizes the State Public Defender to provide legal representation and services to a child committed to DYS relative to the fact, duration, and conditions of the child's confinement. DYS is required to give the State Public Defender access to the child and any DYS institution or record that the State Public Defender needs to provide authorized representation and services (R.C. 120.06 and 5139.04).

C1:3: County Representation (ALI 019604)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 4070 ALI 019604, County Representation	\$285,000	\$375,000	\$375,000
% change	--	31.6%	0.0%

This line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of this money is restricted to providing legal representation for indigent persons, or to provide investigation or mitigation services. Beginning in October 2019, statutory changes allowed the agency to bill counties for 100% of costs, rather than bill only for the county share of expenses. The Trial Services Department currently responds to more than 24 requests for counsel per month, accepting some of those cases for internal representation and locating outside private counsel in cases when direct representation is not possible. The increase in this line item is supported by increasing revenues as well as utilizing a portion of existing fund balances that have grown during the pandemic spending freezes.

C1:4: Client Payments (ALI 019605)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 4080 ALI 019605, Client Payments	\$741,479	\$800,000	\$800,000
% change	--	7.9%	0.0%

This line item is used for operating expenses. Currently, the line is primarily used to support the Intake Section and Prison Legal Services programs. This line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee.² The Prison Legal Services Program serves the more than 50,000 people in DRC custody and more than 30,000 people currently on parole.

C1:5: Gifts and Grants (ALI 019613)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 4N90 ALI 019613, Gifts and Grants	\$16,083	\$13,400	\$13,400
% change	--	-16.7%	0.0%

² Existing law permits this money to 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.

This line item is used to expend grants, donations, and awards from public and private sources received for a specific purpose that are credited to the Gifts and Grants Fund (Fund 4N90). Under the executive budget, the line item's entire appropriation in each fiscal year is allocated for personal services.

Presently, the fund receives an annual gift of \$13,440 from the Ohio State University Moritz College of Law to fund law students for the Commission's Wrongful Conviction Project. The Project focuses primarily on wrongful conviction claims that do not involve DNA evidence, including allegations of flawed science, witness misidentification, and false convictions. As that project is coming to an end, OPD's funding request is slightly less than the FY 2023 levels. The agency does not anticipate receiving another award of this magnitude in FY 2024 or FY 2025.

C1:6: Civil Case Filing Fee (ALI 019617)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 5CX0 ALI 019617, Civil Case Filing Fee	\$617,949	\$620,000	\$620,000
% change	--	0.3%	0.0%

This line item is supported by a portion of filing fees collected in certain new civil actions and proceedings and credited to the Civil Case Filing Fee Fund (Fund 5CX0). The purpose of the money is to fund assistant public defenders and other personnel, equipment, and facilities necessary for operation of the Commission. The majority of these funds are currently being used to support the operations of the Youth Defense Program, the purpose of which is to provide access to the courts to children who are incarcerated in DYS and/or DRC.

C1:7: Indigent Defense Support – State Office (ALI 019619)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 5DY0 ALI 019619, Indigent Defense Support – State Office	\$6,506,761	\$6,000,000	\$6,000,000
% change	--	-7.8%	0.0%

This line item draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), and is used as part of the Commission's county reimbursement system. Fund 5DY0 consists of a mix of fines, fees, and court costs. Under current law, 17% of the revenues credited to Fund 5DY0 are to be used to support the operations of OPD (ALI 019619) and 83% of the funds be used for the purposes of reimbursing the counties for the expense of operating their indigent defense systems (ALI 019618).

This line item is used to fund the Commission's operating expenses. Funding from this line item supports approximately 40% of the agency's overall operating expenses. Revenues to the fund have been in decline in recent years. For the next biennium, OPD anticipates annual revenue for purposes of funding ALI 019616, Indigent Defense Support – State Office to be approximately \$4.9 million. At the recommended appropriation level, cash balances will need to be utilized.

C1:8: Federal Representation (ALI 019608)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
FED Fund 3S80 ALI 019608, Federal Representation	\$38,315	\$38,300	\$38,300
% change	--	0.0%	0.0%

This line item contributes to the funding of State Legal Defense Services, specifically the Death Penalty Division, which provides, coordinates, and supervises 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.³ Typically, the entire appropriation is primarily used for personal services.

It is supported by money appropriated from the Federal Representation Fund (Fund 3S80), which consists of payments collected from a federal court when it has appointed the State Public Defender to provide legal representation to an indigent defendant in a federal trial or in a federal habeas corpus proceeding, primarily matters involving the death penalty.

Category 2: County-Level Indigent Defense

This category of line items is used by the Commission 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.⁴ 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 FY 2020-FY 2021 biennium, Ohio substantially increased its share of the funding responsibility for indigent defense to the counties. Historically, the state reimbursed indigent defense costs at or below the statutory cap of 50%. As of FY 2020, instead of capping the reimbursement rate at 50% as under prior law, the state is now required to reimburse counties up to 100%, subject to available appropriations. In FY 2020 and FY 2021, the reimbursement rate was 74% and 75%, respectively. The FY 2022-2023 budget contained funding that allowed the

³ 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 Sixth Amendment right to effective counsel or a violation of the Eighth Amendment right to present mitigating evidence for sentencing.

⁴ Pursuant to R.C. 120.18, 120.28, and 120.33 to 120.35.

OPD to provide an indigent defense reimbursement rate of 100% in FY 2022 and an estimated rate of 90% in FY 2023.

Under the executive budget, the combined amount of GRF and non-GRF appropriations (GRF line item 019501 plus DPF line item 019618) for county indigent defense reimbursement totals \$190.0 million in FY 2024 and \$195.8 million in FY 2025. The executive budget estimates the reimbursement rate at 100% for FY 2024 and FY 2025 in the presently structured system.

C2:1: Training Account (ALI 019405)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
GRF ALI 019405, Training Account	\$50,000	\$50,000	\$50,000
% change	--	0.0%	0.0%

This line item supports 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 Ohio Supreme Court also establishes and strictly enforces rules requiring practicing attorneys to obtain CLE credits, generally through attendance at training and seminars. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program.

The executive recommended budget should enable the Commission to provide training seminars to attorneys that are appointed to criminal cases. The entirety of each fiscal year's appropriation is allocated to pay companies to deliver pro bono training. 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.

C2:2: County Reimbursement (ALI 019501)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
GRF ALI 019501, County Reimbursement	\$135,555,595	\$166,096,000	\$171,911,800
% change	--	22.5%	3.5%

This line item supports the reimbursement of counties for their indigent defense expenditures on both noncapital and capital cases. The agency uses both GRF ALI 019501 and the Indigent Defense Support Fund (Fund 5DY0) ALI 019618 to make distributions to the counties. The executive budget reflects language changes that combine the three ALIs that support the state share of county-level indigent defense costs: GRF 019403, Multi-County: State Share; GRF 019404, Trumbull County: State Share; and GRF 019501, County Reimbursement. Therefore, the projected operating expenses of \$6.2 million and \$6.7 million for the multi-county program in FY 2024 and FY 2025, respectively, have been combined into the appropriation request for GRF ALI 019501, County Reimbursement. The apparent funding increase in the line item is indicative of these line item mergers.

Historically, the state reimbursed indigent defense costs at or below the statutory cap of 50%. In the FY 2020-FY 2021 biennial operating budget, instead of capping the reimbursement rate at 50% as under prior law, the state is required to reimburse counties up to 100%, subject to available appropriations. The Office of the Public Defender will reimburse counties 100% of qualifying costs, in the presently structured system. The executive recommended appropriations for this line item mark a continued increase in the commitment of GRF funding for the reimbursement of counties for the provision of indigent criminal defense services.

C2:3: Indigent Defense Support – County Share (ALI 019618)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 5DY0 ALI 019618, Indigent Defense Support – County Share	\$24,629,000	\$23,904,000	\$23,904,000
% change	--	-2.9%	0.0%

This line item draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), and is used as part of the Commission's county reimbursement system. Fund 5DY0 consists of a mix of fines, fees, and court costs.

Under the executive budget, the combined amount of GRF and non-GRF appropriations (GRF line item 019501 plus DPF line item 019618) for county indigent defense reimbursement totals \$190.0 million in FY 2024 and \$195.8 million FY 2025. The Office of the Public Defender anticipates reimbursing counties 100% of qualifying costs, in the presently structured system.

Category 3: Legal Assistance Foundation

The lone line item in this category is used to pass through funding to the Ohio Legal Assistance Foundation (OLAF), a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies.⁵

C3:1: Civil Legal Aid (ALI 019606)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 5740 ALI 019606, Civil Legal Aid	\$14,500,158	\$30,000,000	\$28,000,000
% change	--	106.9%	-6.7%

This item supports the state's legal aid societies in Ohio, which collectively serve all 88 counties. These funds are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population.

⁵ The Foundation, established by 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 money for these purposes is appropriated from the Civil Legal Aid Fund (Fund 5740), which consists of: (1) interest generated on lawyer and title insurance trust accounts, and (2) additional filing fees collected on certain new civil actions and proceedings. The interest revenues fluctuate, as they are sensitive to changes in the Federal Funds rate, as well as the savings rate which is tied to the former. The executive budget levels of funding for the biennium reflect a return to more normal levels of court activity in FY 2024.

Category 4: Program Management

The Program Management category includes 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. The Division also provides certain required services: 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.

C4:1: Training and Publications (ALI 019603)

Fund/ALI	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
DPF Fund 4060 ALI 019603, Training and Publications	\$25,000	\$75,000	\$75,000
% change	--	200.0%	0.0%

This line item supports training and educational programs for attorneys and others involved with the legal representation of indigent persons. The line item is supported by money appropriated from the Training and Publications Fund (Fund 4060). The money is expected to be generated from a nominal fee that the Commission plans to charge attendees of its training and educational programs. The Commission plans to return to some in-person trainings in FY 2024 and FY 2025, including a multiple day Trial School training. The increase will be supported by registration fees and by utilizing a portion of the available fund balance.

Ohio Public Defender Commission

General Revenue Fund

GRF 019401 State Legal Defense Services

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$5,715,485	\$6,099,083	\$7,411,101	\$7,805,783	\$9,766,300	\$11,387,300
% change	6.7%	21.5%	5.3%	25.1%	16.6%

Source: General Revenue Fund

Legal Basis: Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 215 of the 122nd G.A.)

Purpose: This line item funds the Public Defender Commission's operating expenses, primarily those associated with state legal defense services, and secondarily program management.

GRF 019403 Multi-County: State Share

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$2,988,031	\$2,957,225	\$4,747,624	\$5,368,305	\$0	\$0
% change	-1.0%	60.5%	13.1%	-100%	N/A

Source: General Revenue Fund

Legal Basis: R.C. 120.04, 120.06, and 120.33; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item funds the state's share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state provides indigent defense services, as an alternative to traditional appointed counsel or county public defender offices, to nine counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Pickaway, Pike, Ross, and Washington. Each county's contribution to the program is deposited into Fund 4C70 and appropriated to line item 019601, Multi-County: County Share. The funding split between the state and county shares is the same as it is for the Public Defender Commission's statewide County Reimbursement Program. The executive budget proposes to consolidate this line item with GRF ALI 019501, County Reimbursement.

Ohio Public Defender Commission

GRF 019404 Trumbull County - State Share

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$890,212	\$961,557	\$1,985,860	\$2,593,514	\$0	\$0
% change	8.0%	106.5%	30.6%	-100%	N/A

Source: General Revenue Fund

Legal Basis: R.C. 120.04, 120.06, and 120.33; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item funds the state's share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The local share of the office is deposited into Fund 4X70 and appropriated to line item 019610, Trumbull County - County Share. The funding split between the state and local shares is the same as it is for the Public Defender Commission's statewide County Reimbursement Program. The executive budget proposes to consolidate this line item with GRF ALI 019501, County Reimbursement.

GRF 019405 Training Account

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$39,475	\$10,000	\$28,830	\$50,000	\$50,000	\$50,000
% change	-74.7%	188.3%	73.4%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: R.C. 120.03; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 171 of the 117th G.A.)

Purpose: This line item funds the Public Defender 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.

Ohio Public Defender Commission

GRF 019501 County Reimbursement

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$83,462,160	\$82,598,981	\$132,197,392	\$135,555,595	\$166,096,000	\$171,911,800
% change	-1.0%	60.0%	2.5%	22.5%	3.5%

Source: General Revenue Fund

Legal Basis: R.C. 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 164 of the 111th G.A.)

Purpose: This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

Prior to FY 2020, the State Public Defender was required to reimburse counties 50% of their total costs, subject to available appropriations. In the FY 2020-FY 2021 biennial operating budget, instead of capping the reimbursement rate at 50%, the state is required to reimburse counties up to 100%, subject to available appropriations.

Dedicated Purpose Fund Group

1010 019607 Juvenile Legal Assistance

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$201,945	\$207,274	\$210,812	\$205,000	\$205,000	\$205,000
% change	2.6%	1.7%	-2.8%	0.0%	0.0%

Source: Dedicated Purpose Fund Group: Cash transferred from the Ohio Department of Youth Services's operating budget pursuant to an interdepartmental agreement

Legal Basis: Section 371.10 of H.B. 110 of the 134th G.A. (originally established by Controlling Board on August 16, 1993)

Purpose: This line item is used by the Public Defender Commission for costs incurred to provide certain legal representation and assistance services to juveniles committed to the Ohio Department of Youth Services.

Ohio Public Defender Commission

4060 019603 Training and Publications

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$11,150	\$0	\$0	\$25,000	\$75,000	\$75,000
% change	-100%	N/A	N/A	200.0%	0.0%

Source: Dedicated Purpose Fund Group: Educational seminar fees and publication sales

Legal Basis: R.C. 120.03; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used for costs incurred to conduct training and education programs for attorneys and others in the legal representation of indigent persons.

4070 019604 County Representation

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$274,922	\$201,433	\$276,296	\$285,000	\$375,000	\$375,000
% change	-26.7%	37.2%	3.2%	31.6%	0.0%

Source: Dedicated Purpose Fund Group: Funds paid by counties that have requested the State Public Defender provide counsel in local cases

Legal Basis: R.C. 120.06; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used by the State Public Defender to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender or to 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.

4080 019605 Client Payments

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$623,208	\$602,444	\$569,590	\$741,479	\$800,000	\$800,000
% change	-3.3%	-5.5%	30.2%	7.9%	0.0%

Source: Dedicated Purpose Fund Group: (1) Money recouped 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, and (2) 20%, or \$5, of a non-refundable \$25 indigent defense application fee assessed a defendant in a criminal case when requesting indigent defense services

Legal Basis: R.C. 120.04 and 120.36; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used for the Public Defender Commission's operating expenses.

Ohio Public Defender Commission

4C70 019601 Multi-County: County Share

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$1,385,021	\$1,185,641	\$36,661	\$584,953	\$0	\$0
% change	-14.4%	-96.9%	1,495.6%	-100%	N/A

Source: Dedicated Purpose Fund Group: Contract payments from nine counties in south and southeastern Ohio for their portion of the costs of operating the Multi-County Branch Office Program

Legal Basis: R.C. 120.04 and 120.33; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item funds the local share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state provides indigent defense services, as an alternative to traditional appointed counsel or county public defender offices, to nine counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Pickaway, Pike, Ross, and Washington. The state share is drawn from the Public Defender 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 statewide County Reimbursement Program.

4N90 019613 Gifts and Grants

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$11,166	\$0	\$9,443	\$16,083	\$13,400	\$13,400
% change	-100%	N/A	70.3%	-16.7%	0.0%

Source: Dedicated Purpose Fund Group: (1) Grants, donations, and awards from public and private sources that the Commission has received for specific purposes, and (2) effective July 1, 2019, payments from agreements to license, lease, sell, and market for sale intellectual property owned by the Office of the Public Defender

Legal Basis: R.C. 120.04; Section 371.10 of H.B. 110 of the 134th G.A (originally established by Controlling Board on June 1, 1994)

Purpose: Since the FY 2012-FY 2013 biennium, money credited to the fund has consisted of an annual gift from The Ohio State University Moritz College of Law for the Public Defender Commission's Wrongful Conviction Project. This project addresses claims of innocence where biological evidence (DNA) was not available. In FY 2022 and FY 2023, two one-time student fellowship awards were received to support two summer interns.

Ohio Public Defender Commission

4X70 019610 Trumbull County - County Share

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$423,561	\$387,271	\$13,917	\$282,443	\$0	\$0
% change	-8.6%	-96.4%	1,929.4%	-100%	N/A

Source: Dedicated Purpose Fund Group: Contract payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

Legal Basis: R.C. 120.04, 120.06 and 120.33; Section 371.10 of H.B. 110 of the 134th G.A (originally established by H.B. 215 of the 122nd G.A.)

Purpose: This line item funds the local share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The state's share is drawn from the Public Defender Commission's GRF line item 019404, Trumbull County - State Share. The funding split between the state and local shares is the same as it is for the Commission's statewide County Reimbursement Program. The executive budget proposes to abolish Fund 4X70 Trumbull County- County Share and consolidates it with Fund 4C70 Multi-county: County Share.

5740 019606 Civil Legal Aid

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$20,928,875	\$13,708,732	\$14,346,642	\$14,500,158	\$30,000,000	\$28,000,000
% change	-34.5%	4.7%	1.1%	106.9%	-6.7%

Source: Dedicated Purpose Fund Group: (1) Interest generated on lawyer's trust accounts (IOLTAs) and title insurance trust accounts (IOTAs), and 2) additional filing fees collected by municipal, county, and common pleas courts on certain new civil actions or proceedings

Legal Basis: R.C. 120.52; Section 371.10 of H.B. 110 of the 134th G.A. (originally established by S.B. 219 of the 115th G.A.)

Purpose: The money appropriated to this line item is distributed to the Ohio Access to Justice Foundation (OAJF), a nonprofit entity that distributes financial resources to legal aid societies that provide civil legal services to indigents. Prior to September 2019, OAJF was known as the Ohio Legal Aid Foundation (OLAF).

Ohio Public Defender Commission

5CX0 019617 Civil Case Filing Fee

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$635,326	\$369,906	\$413,050	\$617,949	\$620,000	\$620,000
% change	-41.8%	11.7%	49.6%	0.3%	0.0%

Source: Dedicated Purpose Fund Group: 4% of filing fees collected by municipal, county, and common pleas courts in certain new civil actions or proceedings and then transmitted to the state, with remainder (96%) credited to the state's Legal Aid Fund (Fund 5740); courts are permitted to retain up to 1% of fees collected to cover administrative costs

Legal Basis: R.C. 120.07, 1901.26, 1907.24, and 2303.201; Section 371.10 of H.B. 110 of the 134th G.A (originally established by H.B. 66 of the 126th G.A.)

Purpose: This line item funds operating expenses of the Public Defender Commission.

5DY0 019618 Indigent Defense Support - County Share

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$29,372,000	\$24,752,229	\$25,660,415	\$24,629,000	\$23,904,000	\$23,904,000
% change	-15.7%	3.7%	-4.0%	-2.9%	0.0%

Source: Dedicated Purpose Fund Group: (1) Designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) \$5 of an additional \$10 in court costs for moving violations, (3) 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, (4) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (5) designated portion (\$25, \$50, or \$100) of financial responsibility driver's license reinstatement fee, (6) designated portion (\$10) of driver's license reinstatement fee for suspensions generally, (7) designated portion (\$10) of driver's license reinstatement fee for class F suspension, and (8) \$25 bail bond surcharge

Legal Basis: R.C. 120.08, 2937.22, 2949.091, 2949.094, 4507.45, 4509.101, 4510.22, and 4511.19; Section 371.10 of H.B. 110 of the 134th G.A (originally established by S.B. 209 of the 127th G.A.)

Purpose: This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

Ohio Public Defender Commission

5DY0 019619 Indigent Defense Support - State Office

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$5,126,268	\$5,243,809	\$5,728,153	\$6,506,761	\$6,000,000	\$6,000,000
% change	2.3%	9.2%	13.6%	-7.8%	0.0%

Source: Dedicated Purpose Fund Group: Shares sources of revenue noted in the preceding entry for the Commission's DPF Fund 5DY0, line item 019618, Indigent Defense Support - County Share

Legal Basis: R.C. 120.08, 2937.22, 2949.091, 2949.094, 4507.45, 4509.101, 4510.22, and 4511.19; Section 371.10 of H.B. 110 of the 134th G.A (originally established by S.B. 209 of the 127th G.A.)

Purpose: This line item funds operating expenses of the Public Defender Commission.

Federal Fund Group

3S80 019608 Federal Representation

FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Estimate	FY 2024 Introduced	FY 2025 Introduced
\$0	\$0	\$0	\$38,315	\$38,300	\$38,300
% change	N/A	N/A	N/A	0.0%	0.0%

Source: Federal Fund Group: Payments collected from a federal court when it has appointed the State Public Defender to provide legal representation to an indigent defendant in a federal trial or in a federal habeas corpus proceeding, primarily matters involving the death penalty

Legal Basis: Section 371.10 of H.B. 110 of the 134th G.A (originally established by Controlling Board on March 2, 1998)

Purpose: This line item is used by the Public Defender Commission's Death Penalty Department 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.

FY 2024 - FY 2025 Appropriations - As Introduced

All Fund Groups

Line Item Detail by Agency				Estimate	Introduced	FY 2023 to FY 2024	Introduced	FY 2024 to FY 2025
				FY 2022	FY 2023	FY 2024	% Change	FY 2025
Report For: Main Operating Appropriations Bill				Version: As Introduced				
PUB	Ohio Public Defender Commission							
GRF	019401	State Legal Defense Services	\$ 7,411,101	\$ 7,805,783	\$ 9,766,300	25.12%	\$ 11,387,300	16.60%
GRF	019403	Multi-County: State Share	\$ 4,747,624	\$ 5,368,305	\$0	-100.00%	\$0	N/A
GRF	019404	Trumbull County - State Share	\$ 1,985,860	\$ 2,593,514	\$0	-100.00%	\$0	N/A
GRF	019405	Training Account	\$ 28,830	\$ 50,000	\$ 50,000	0.00%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 132,197,392	\$ 135,555,595	\$ 166,096,000	22.53%	\$ 171,911,800	3.50%
General Revenue Fund Total			\$ 146,370,807	\$ 151,373,197	\$ 175,912,300	16.21%	\$ 183,349,100	4.23%
1010	019607	Juvenile Legal Assistance	\$ 210,812	\$ 205,000	\$ 205,000	0.00%	\$ 205,000	0.00%
4060	019603	Training and Publications	\$ 0	\$ 25,000	\$ 75,000	200.00%	\$ 75,000	0.00%
4070	019604	County Representation	\$ 276,296	\$ 285,000	\$ 375,000	31.58%	\$ 375,000	0.00%
4080	019605	Client Payments	\$ 569,590	\$ 741,479	\$ 800,000	7.89%	\$ 800,000	0.00%
4C70	019601	Multi-County: County Share	\$ 36,661	\$ 584,953	\$0	-100.00%	\$0	N/A
4N90	019613	Gifts and Grants	\$ 9,443	\$ 16,083	\$ 13,400	-16.68%	\$ 13,400	0.00%
4X70	019610	Trumbull County - County Share	\$ 13,917	\$ 282,443	\$0	-100.00%	\$0	N/A
5740	019606	Civil Legal Aid	\$ 14,346,642	\$ 14,500,158	\$ 30,000,000	106.89%	\$ 28,000,000	-6.67%
5CX0	019617	Civil Case Filing Fee	\$ 413,050	\$ 617,949	\$ 620,000	0.33%	\$ 620,000	0.00%
5DY0	019618	Indigent Defense Support - County Share	\$ 25,660,415	\$ 24,629,000	\$ 23,904,000	-2.94%	\$ 23,904,000	0.00%
5DY0	019619	Indigent Defense Support - State Office	\$ 5,728,153	\$ 6,506,761	\$ 6,000,000	-7.79%	\$ 6,000,000	0.00%
Dedicated Purpose Fund Group Total			\$ 47,264,979	\$ 48,393,826	\$ 61,992,400	28.10%	\$ 59,992,400	-3.23%
3S80	019608	Federal Representation	\$ 0	\$ 38,315	\$ 38,300	-0.04%	\$ 38,300	0.00%
Federal Fund Group Total			\$ 0	\$ 38,315	\$ 38,300	-0.04%	\$ 38,300	0.00%
Ohio Public Defender Commission Total			\$ 193,635,786	\$ 199,805,338	\$ 237,943,000	19.09%	\$ 243,379,800	2.28%