OFFICE OF PUBLIC DEFENDER

- Allows the Ohio Public Defender (OPD) to contract with private counsel to provide legal representation in parole, probation, community control, and post-release control revocation matters when the Public Defender does not have capacity to handle a matter.
- Creates the Northwest Regional Hub pilot program.
- Requires each county to submit a biannual indigent defense cost projection report to OPD by July 31, 2026, with data on the most current projected costs of the indigent defense services in the county for the next two upcoming fiscal years.

Outside counsel in revocation hearings

(R.C. 120.06 and 120.08)

The act allows the Ohio Public Defender (OPD) to contract with private counsel to provide legal representation in parole, probation, community control, and post-release control revocation matters when OPD determines it does not have the capacity to provide legal representation. When OPD contracts with private counsel under this provision, OPD must directly pay private counsel's fees and expenses from the Indigent Defense Support Fund. Continuing law requires OPD to provide legal representation in revocation matters involving parole, probation, community control, or post-release control where the alleged violator does not have financial capacity to retain counsel.

Northwest Regional Hub pilot program

(Section 371.30)

The act creates the Northwest Regional Hub pilot program to allow Allen, Hardin, and Putnam counties to opt in to a system that places responsibility for the counties' indigent defense with OPD. Under the pilot program, in FY 2026 and FY 2027, OPD must establish the program to provide indigent defense services for those counties that elect to join, in lieu of those counties managing those services directly and applying for reimbursement.

Opting in

If a pilot county elects to participate in the program, the county must pass a resolution to become part of the Northwest Regional Hub, thereby transferring administration of the counties' indigent defense system to OPD for the period of the pilot program. If a pilot county opts in, OPD must assume responsibility for representation of indigent persons in those counties, except to the extent where the court appoints outside counsel.

OPD case load

OPD must consult with the county commissioners, judiciary, and local attorneys in counties that have opted to participate in the pilot program to determine the number of cases the public defender will handle directly. Generally, OPD will provide direct representation to indigent defendants in not more than 80% of cases in a participating county, with the remainder

of cases handled by counsel appointed by the court under continuing law. But where OPD, in consultation with county commissioners, judiciary, and local attorneys, determines that there is insufficient local counsel available to fill an appointment, OPD must provide direct representation regardless of the 80% cap.

Transferring employees

When a county transfers indigent defense services to OPD under the pilot program, and the transferring county operates a county public defender office at the time of the transfer, the employees of the transferring county public defender may be appointed as employees of the OPD as the OPD determines to be necessary for successful implementation of the program.

The act allows OPD, regardless of any other law to the contrary, in consultation with the DAS Director, to either:

- Assign any employee of the transferring county to a classification that is not subject to Ohio's Public Employee Collective Bargaining Law[127] (PECBL) and to assign such an employee to the appropriate compensation, classification, step placement, and step advancement, and to determine appropriate service credit for purposes of vacation and longevity;
- Assign any employee of the transferring county to a bargaining unit classification that is subject to PECBL if the OPD and DAS determines that the bargaining unit classification is the proper classification for that employee.

Employees of a transferring county may be eligible for any state benefit plan administered by DAS with coverage commencing as determined by the DAS Director. Actions taken by the OPD and the DAS Director pursuant to the pilot program are not subject to appeal to the State Personnel Board of Review.

Withdrawing from the pilot

A county that wishes to withdraw from the pilot program and resume responsibility for indigent defense services must provide OPD with a copy of a resolution electing to withdraw and must hold a public meeting regarding the withdrawal. It must provide notice at least seven days before the meeting to the local bar association, every judge serving in the county, the county prosecutor, the county public defender, and every attorney who is on the court's roster for appointment to provide indigent defense under continuing law.

Indigent defense cost projection report

(Section 371.20)

The act requires each county, through its county commission, to submit a biannual indigent defense cost projection report to OPD. The report must be submitted on or before July 31, 2026, and must contain data on the most current projected costs of the indigent defense services in the county for the next two upcoming state fiscal years at the time of submission.

[127] R.C. Chapter 4117.