

## Executive

## As Passed by the House

## As Passed by the Senate

## PUBCD7 State Public Defender powers

## R.C. 120.04

(1) Authorizes the State Public Defender to enter into agreements to license, lease, sell, or market for sale intellectual property it owns with the payments to be used for the operation of the Office of the Public Defender and indigent defense programs.

(2) Requires all funds received under such agreements to be deposited into the existing Public Defender Gifts and Grants Fund (Fund 4N90).

**Fiscal effect: Potential annual gain in money credited to Fund 4N90.**

## R.C. 120.04

(1) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: Same as the Executive.**

## R.C. 120.04

(1) Same as the Executive.

(2) Same as the Executive.

**Fiscal effect: Same as the Executive.**

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PUBCD12

State Public Defender study and report of reimbursement uses by counties

(1) No provision.

(1) No provision.

**R.C. 120.041, Section 371.10**

(1) Requires the State Public Defender to determine for each state fiscal year: (a) the total dollar amount of requests counties made for indigent defense reimbursement, (b) the total dollar amount of reimbursements paid, (c) the percentage of requested reimbursements paid, (d) the change in total dollars paid as reimbursements from those paid in the preceding fiscal year, (e) the total dollar amount of reimbursements used by all counties for costs for personnel costs, for expert witnesses, for appointed counsel, investigations, for transcripts, for rent or lease, utilities, furnishings, maintenance, and equipment, for travel, and for any other cost category the State Public Defender sets, (f) the change in the amount of reimbursement money used for each category of costs described in (e) for that fiscal year from the amount of money found to have been used for each such category for the previous fiscal year, and (g) the cost per each felony, misdemeanor, traffic, or juvenile delinquency case assigned to a public defender or counsel.

(2) No provision.

(2) No provision.

(2) Requires the State Public Defender to prepare a report each state fiscal year that includes all of the determinations described above for the fiscal year and, not later than the following October 1, submit copies of the report to the Senate President and Minority Leader, House of Representatives Speaker and Minority Leader, and Governor.

(3) No provision.

(3) No provision.

(3) Permits the OBM Director, in each fiscal year and upon written request of the State Public Defender, to approve an appropriation transfer of up to \$100,000 from GRF appropriation item 019501, County Reimbursement, to GRF appropriation item 019401, State Legal Defense Services, for the purpose of funding the operating

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expenses of the Public Defender Commission if the State Public Defender determines that the amounts appropriated to item 019401 are insufficient.

**Fiscal effect: Potential minimal annual cost to produce the required report, likely to be absorbed utilizing existing staff and appropriations.**

PUBCD9

Billing practices of the State Public Defender

R.C. 120.06

Changes how much a county is required to pay the State Public Defender for the provision of legal representation of an indigent defendant such that the county must pay 100% of the legal fees and expenses identified in the itemized bill for those services, but may submit the combined cost to the State Public Defender for up to full reimbursement under a change in the law currently included in the bill.

**Fiscal effect: County expenditures to pay for indigent defense services provided by the State Public Defender under the above noted circumstances will be reduced, as the state ultimately will pay the total cost of legal fees and expenses in such cases.**

R.C. 120.06

Same as the House.

**Fiscal effect: Same as the House.**

No provision.

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## PUBCD1 Indigent defense reimbursement

## Section: 371.10

R.C. 120.18, 120.28, 120.33, 120.34, 120.35, 2941.51

R.C. 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, 2941.51

Permits the Ohio Public Defender to exceed the 50% contribution limit for the total costs and expenses, in fiscal year 2020 or fiscal year 2021, that are reimbursable for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, including the costs and expenses of conducting the defense in capital cases, if the amount of money appropriated to reimburse counties for these operations is sufficient.

Replaces the Executive's uncodified law provision with a codified law provision that does the following: (1) requires the State Public Defender to reimburse counties up to 100% of the expenses they incur in providing indigent defense services in both noncapital and capital cases and (2) eliminates the current 50% reimbursement cap and a specific allowance for proportional reduction of reimbursement to the counties when the appropriation to the State Public Defender is insufficient to cover 50% of the counties' costs for indigent defense.

Same as the House, but removes the references to the reimbursement being "up to" a county's cost and expenses, and, instead specifies that the reimbursement generally is to be for the costs and expenses, but that if the amount appropriated by the General Assembly in the fiscal year is insufficient to pay the cost in that fiscal year of all the counties, the amount paid to each county in that fiscal year is to be reduced proportionately so that each county is paid an equal percentage of its cost in that fiscal year.

**Fiscal effect: For the purpose of paying the state's portion of county indigent defense costs, the executive budget appropriates GRF and non-GRF funds totaling \$126.8 million in both of FYs 2020 and 2021. The total amount of GRF and non-GRF appropriated for that purpose in FY 2019 is \$66.7 million.**

**Fiscal effect: The House budget decreases the total amount of GRF and non-GRF appropriated for FY 2020 by \$980,000, from \$126.8 million to \$125.8 million, and increases the total amount of GRF and non-GRF appropriated for FY 2021 by \$36.7 million, from \$126.8 million to \$163.6 million. The \$36.7 million increase in FY 2021 consists entirely of additional GRF funding.**

**Fiscal effect: Same as the House.**

## PUBCD11 Ohio Legal Assistance Foundation name change

R.C. 120.52, 120.521, 120.53, 1901.26, 1907.24, 2303.201, 3953.231, 4705.10, and Section 371.10

R.C. 120.52, 120.521, 120.53, 1901.26, 1907.24, 2303.201, 3953.231, 4705.10, and Section 371.10

No provision.

Changes the name of the Ohio Legal Assistance Foundation to the Ohio Access to Justice Foundation.

Same as the House.

**Fiscal effect: None.**

**Fiscal effect: Same as the House.**

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**PUBCD2 Indigent defense office****Section: 371.10**

Requires GRF appropriation item 019404, Trumbull County - State Share, and DPF Fund 4X70 appropriation item 019610, Trumbull County - County Share, to be used to support an indigent defense office for Trumbull County.

**Section: 371.10**

Same as the Executive.

**Section: 371.10**

Same as the Executive.

**PUBCD3 Multi-county office****Section: 371.10**

Requires GRF appropriation item 019403, Multi-County: State Share, and DPF Fund 4C70 appropriation item 019601, Multi-County: County Share, to be used to support the Commission's Multi-County Branch Office Program.

**Section: 371.10**

Same as the Executive.

**Section: 371.10**

Same as the Executive.

**PUBCD4 Training account****Section: 371.10**

Requires GRF appropriation item 019405, Training Account, to be used to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost, state and county public defenders, and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

**Section: 371.10**

Same as the Executive.

**Section: 371.10**

Same as the Executive.

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**PUBCD5**      **Cash transfer from the General Revenue Fund to the Legal Aid Fund****Section: 371.10**

(1) Requires the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer \$250,000 cash from the GRF to the Legal Aid Fund (Fund 5740).

(2) Requires the transferred \$250,000 cash in each fiscal year to be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders.

(3) No provision.

(4) Specifies that none of the funds can be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

**Section: 371.10**

(1) Same as the Executive.

(2) Same as the Executive, but changes the name of the Ohio Legal Assistance Foundation to the Ohio Access to Justice Foundation.

(3) No provision.

(4) Same as the Executive.

**Section: 371.10**

(1) Same as the Executive, but increases the transfer by \$250,000 to \$500,000 in each fiscal year.

(2) Same as the House.

(3) Requires \$250,000 of the transferred cash in each fiscal year to be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for veterans.

(4) Same as the Executive.

**PUBCD6**      **Federal Representation****Section: 371.10**

Requires FED Fund 3S80 appropriation item 019608, Federal Representation, to be used to support representation provided by the Ohio Public Defender in federal court cases.

**Section: 371.10**

Same as the Executive.

**Section: 371.10**

Same as the Executive.

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## PUBCD10

## Task force to study indigent defense

**Section: 371.10**

(1) No provision.

(1) Creates a 16-member task force to study Ohio's indigent defense system and provide recommendations to the General Assembly regarding the delivery, structure, and funding of indigent defense.

(1) No provision.

(2) No provision.

(2) Requires the task force to report its recommendations to the General Assembly not later than August 1, 2020.

(2) No provision.

(3) No provision.

(3) Requires the Legislative Service Commission to assist the task force as needed.

(3) No provision.

(4) No provision.

(4) Permits the task force to reimburse the travel expenses of any experts invited to present to the task force. Earmarks \$9,100 in FY 2020 and \$900 in FY 2021 from GRF appropriation item 019401, State Legal Defense Services, for this purpose.

(4) No provision.