

## Ohio Public Defender Commission

### General Revenue Fund

#### **GRF 019321 Public Defender Administration**

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$1,252,281	\$1,224,340	\$723,798	\$595,844	<b>\$0</b>	<b>\$0</b>
	-2.2%	-40.9%	-17.7%	<b>-100%</b>	<b>N/A</b>

**Source:** General Revenue Fund

**Legal Basis:** Discontinued line item (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** The line item was used for operating expense costs (payroll, contracts, supplies, equipment) incurred by the Administrative Division in delivering agency support services. Those services included, but were not limited to, fiscal and accounting, human resources, computer information systems, general office services (purchasing, inventory, records management, fleet management, and delivery), library maintenance, and county reimbursement collections and payments. Effective FY 2012, money for this purpose will be allocated from other, mostly non-GRF, funds used by the Public Defender Commission.

#### **GRF 019401 State Legal Defense Services**

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$5,838,191	\$5,696,513	\$4,147,222	\$3,429,020	<b>\$2,610,272</b>	<b>\$3,020,855</b>
	-2.4%	-27.2%	-17.3%	<b>-23.9%</b>	<b>15.7%</b>

**Source:** General Revenue Fund

**Legal Basis:** Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** The line item contains money appropriated for the purpose of funding the operating expense costs (payroll, purchased personal services, supplies and maintenance, and equipment) associated primarily with the Commission's State Legal Defense Services program series. The function of that program series is to provide legal representation and services in non-capital and capital cases to indigent adults, juveniles, and incarcerated individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation. Non-capital and capital cases are handled by the Commission's Legal Division and Death Penalty Division, respectively.

## Ohio Public Defender Commission

### GRF 019403 Multi-County: State Share

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$750,209	\$748,458	\$1,025,382	\$1,185,436	<b>\$338,931</b>	<b>\$406,626</b>
	-0.2%	37.0%	15.6%	<b>-71.4%</b>	<b>20.0%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on December 17, 1990)

**Purpose:** The line item provides funding for the state's share of operating expense costs incurred in the running of the Commission's Multi-County Branch Office Program, costs that include a mix of payroll, purchased personal services, supplies and maintenance, and equipment. The program, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

Each county's contribution to the program is deposited in the state treasury to the credit of Fund 4C70 (line item 019601, Multi-County: County Share). The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### GRF 019404 Trumbull County - State Share

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$236,929	\$241,934	\$328,601	\$343,837	<b>\$99,321</b>	<b>\$119,158</b>
	2.1%	35.8%	4.6%	<b>-71.1%</b>	<b>20.0%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** The line item funds the state's share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities. The local share of the branch office is deposited in the state treasury to the credit of Fund 4X70 (line item 019610, Trumbull County - County Share).

## Ohio Public Defender Commission

### GRF 019405 Training Account

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$25,031	\$34,909	\$45,490	\$36,415	<b>\$50,000</b>	<b>\$50,000</b>
	39.5%	30.3%	-19.9%	<b>37.3%</b>	<b>0.0%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority for the program resides in ORC 120.03(D)(2); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 171 of the 117th G.A., the main operating appropriations act covering FY 1988 and FY 1989)

**Purpose:** Pursuant to temporary law, the line item is used exclusively for the 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. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program. The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$200 per attorney for the two-day Rule 20 seminars.

The Commission allows private attorneys to attend seminars at no cost to the attorney. In exchange for free attendance, each attorney must provide one pro bono (for free) case for every seminar attended. Pro bono cases must be provided within one year of the seminar date, and pro bono attorneys are limited to two seminars per year. Public defenders also are limited to two seminars per year.

## Ohio Public Defender Commission

### GRF 019501 County Reimbursement

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$29,812,630	\$25,656,916	\$14,131,314	\$11,074,886	<b>\$2,565,398</b>	<b>\$3,077,786</b>
	-13.9%	-44.9%	-21.6%	<b>-76.8%</b>	<b>20.0%</b>

**Source:** General Revenue Fund

**Legal Basis:** Statutory authority and guidelines for the reimbursement program reside in various ORC sections, including 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 164 of the 111th G.A., the act establishing state, county, and joint county public defenders)

**Purpose:** Since the start of FY 2006, the line item has been used to reimburse counties for up to 50% of their indigent defense expenditures on non-capital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for non-capital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally. Since FY 2010, a significantly larger portion of this state reimbursement has been covered by money appropriated from the Indigent Defense Support Fund (Fund 5DY0, line item 019618, Indigent Defense Support - County Share).

### General Services Fund Group

#### 1010 019602 Inmate Legal Assistance

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$114	\$17,557	\$0	\$0	<b>\$0</b>	<b>\$0</b>
	15,355.2%	-100%	N/A	<b>N/A</b>	<b>N/A</b>

**Source:** General Services Fund Group: Quarterly legal services payments transferred through an interdepartmental agreement from the GRF maintenance budget of the Ohio Department of Rehabilitation and Correction's Marion Correctional Institution

**Legal Basis:** Discontinued line item (originally established by Controlling Board in 1978)

**Purpose:** The line item funded an inmate legal assistance program at the state's Marion Correctional Institution, specifically the payroll, maintenance, and equipment costs associated with one legal services attorney stationed in the institution's law library. Effective FY 2010, the attorney who provided the service was transferred to the Commission's Columbus office and the program was discontinued.

## Ohio Public Defender Commission

### 4070 019604 County Representation

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$196,448	\$200,113	\$147,669	\$180,173	<b>\$231,076</b>	<b>\$231,754</b>
	1.9%	-26.2%	22.0%	<b>28.3%</b>	<b>0.3%</b>

**Source:** General Services Fund Group: Money paid to the State Public Defender by counties throughout the state where counties have requested the State Public Defender to provide counsel in local cases (upon providing such representation, the State Public Defender bills the county for a portion of the legal representation costs, including the cost of investigation or mitigation services provided)

**Legal Basis:** ORC 120.06(D); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** Money deposited to the credit of the fund is statutorily restricted to be used by the State Public Defender to: (1) provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender, or (2) 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.

## Ohio Public Defender Commission

### 4080 019605 Client Payments

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$586,827	\$533,363	\$778,176	\$695,180	<b>\$1,052,919</b>	<b>\$953,492</b>
	-9.1%	45.9%	-10.7%	<b>51.5%</b>	<b>-9.4%</b>

**Source:** General Services Fund Group: (1) All money collected by the state 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 through a recoupment, reimbursement, contribution, or partial payment plan, and (2) starting with FY 2006, 20%, or \$5, of a non-refundable \$25 application fee, unless waived or reduced by the court, assessed a defendant in a criminal case or a party in a juvenile court case when requesting or provided a state public defender, county or joint county defender, or court-appointed counsel (the remaining 80%, or \$20, of the \$25 non-refundable application fee is retained by the county to offset the costs of providing legal representation to indigent persons)

**Legal Basis:** ORC 120.04(B)(5) and 120.36(D); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. H.B. 291 of the 115th G.A., the main operating appropriations act covering FY 1984 and FY 1985)

**Purpose:** Money deposited to the credit of the fund is statutorily restricted to be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the Office of the State Public Defender, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to ORC 120.18, 120.28, and 120.33, and (3) provide assistance to counties in the operation of county indigent defense systems.

## Ohio Public Defender Commission

### 5CX0 019617 Civil Case Filing Fee

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$619,343	\$719,624	\$683,797	\$702,133	<b>\$708,654</b>	<b>\$705,713</b>
	16.2%	-5.0%	2.7%	<b>0.9%</b>	<b>-0.4%</b>

**Source:** General Services Fund Group: 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas; remainder of the filing fee amounts collected, or 96%, credited to the state's Legal Aid Fund (Fund 5740)

**Legal Basis:** ORC 120.07; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 66 of the 126th G.A., the main operating appropriations act covering FY 2006 and FY 2007)

**Purpose:** All money credited to the fund is statutorily restricted to be used by the State Public Defender for the purpose of appointing assistant state public defenders and for providing other personnel, equipment, and facilities necessary for the operation of the Office of the State Public Defender.

### Federal Special Revenue Fund Group

#### 3FF0 019620 Capital Case Litigation

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$0	\$0	\$0	\$94,500	<b>\$0</b>	<b>\$0</b>
	N/A	N/A	N/A	<b>-100%</b>	<b>N/A</b>

**Source:** Federal Special Revenue Fund Group: CFDA 16.746, Capital Case Litigation

**Legal Basis:** Discontinued line item (originally established by Controlling Board on February 7, 2011)

**Purpose:** The fund, and related line item, was used to disburse a onetime federal grant awarded for the purpose of providing training on death penalty issues to defense attorneys who litigate death penalty cases. The Commission used the money to sponsor a five-day, skills-based seminar.

## Ohio Public Defender Commission

### 3S80 019608 Federal Representation

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$260,076	\$326,580	\$194,964	\$184,652	<b>\$341,733</b>	<b>\$263,431</b>
	25.6%	-40.3%	-5.3%	<b>85.1%</b>	<b>-22.9%</b>

**Source:** Federal Special Revenue Fund Group: Payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus proceedings, primarily matters involving the death penalty

**Legal Basis:** Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on March 2, 1998)

**Purpose:** Money credited to the fund is used by the Commission's Death Penalty Division 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.

## Ohio Public Defender Commission

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### State Special Revenue Fund Group

#### **4C70 019601 Multi-County: County Share**

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$2,159,712	\$2,220,329	\$1,976,394	\$2,110,630	<b>\$3,324,009</b>	<b>\$3,333,014</b>
	2.8%	-11.0%	6.8%	<b>57.5%</b>	<b>0.3%</b>

**Source:** State Special Revenue Fund Group: Payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Commission's Multi-County Branch Office

**Legal Basis:** Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on December 17, 1990)

**Purpose:** Money deposited to the credit of the fund represents the local share of operating the Multi-County Branch Office Program. The program, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

The state's contribution is drawn from the 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 much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### 4N90 019613 Gifts and Grants

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$0	\$12,300	\$0	\$21,110	<b>\$35,000</b>	<b>\$35,000</b>
	N/A	-100%	N/A	<b>65.8%</b>	<b>0.0%</b>

**Source:** State Special Revenue Fund Group: Donations, grants, awards, and similar funds from any lawful source

**Legal Basis:** As needed line item; ORC 120.04 (C)(2); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Controlling Board on June 1, 1994)

**Purpose:** The line item is used to receive, disburse, and account for gifts, grants, and awards for the operation of programs for the defense of indigent persons.

### 4X70 019610 Trumbull County - County Share

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$686,447	\$719,340	\$635,872	\$620,675	<b>\$974,069</b>	<b>\$976,612</b>
	4.8%	-11.6%	-2.4%	<b>56.9%</b>	<b>0.3%</b>

**Source:** State Special Revenue Fund Group: Payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

**Legal Basis:** Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FY 1998 and FY 1999)

**Purpose:** Money deposited to the credit of the fund is used as the local share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities.

The state's contribution is drawn from the Commission's GRF line item 019404, Trumbull County - State Share. The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

## Ohio Public Defender Commission

### 5740 019606 Civil Legal Aid

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$34,778,871	\$23,139,351	\$19,937,193	\$18,903,371	<b>\$24,000,000</b>	<b>\$27,000,000</b>
	-33.5%	-13.8%	-5.2%	<b>27.0%</b>	<b>12.5%</b>

**Source:** State Special Revenue Fund Group: (1) Interest generated on trust accounts established and maintained by attorneys, law firms, or legal professional associations (IOLTAs) pursuant to ORC 4705.09 and 4705.10, (2) interest generated on trust accounts established and maintained by title insurance agents or title insurance companies (IOTAs) pursuant to ORC 3953.231, (3) additional filing fees collected by municipal, county, and common pleas courts on each new civil action or proceeding pursuant to ORC 1901.26, 1907.24, and 2303.201, and (4) income from investments

**Legal Basis:** ORC 120.52; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Am. Sub. S.B. 219 of the 115th G.A.)

**Purpose:** Money deposited to the credit of the fund is statutorily directed to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies. The Foundation, established by Am. Sub. 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 Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

## Ohio Public Defender Commission

### 5DY0 019618 Indigent Defense Support - County Share

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$0	\$3,700,000	\$21,847,763	\$30,726,023	<b>\$42,195,000</b>	<b>\$43,125,000</b>
	N/A	490.5%	40.6%	<b>37.3%</b>	<b>2.2%</b>

**Source:** State Special Revenue Fund Group: (1) Effective FY 2008, a designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) effective FY 2009, \$5 of an additional \$10 in court costs for moving violations, and (3) effective FY 2010, (a) 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, (b) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (c) a designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (d) a \$25 bail bond surcharge

**Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

**Purpose:** The line item is used to used to reimburse counties for up to 50% of their indigent defense expenditures on non-capital and capital cases. State law requires that at 90% of the money in the Indigent Defense Support Fund (Fund 5DY0) be used for this purpose.

## Ohio Public Defender Commission

### 5DY0 019619 Indigent Defense Support - State Office

FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Appropriation	FY 2013 Appropriation
\$0	\$0	\$1,599,010	\$3,514,972	<b>\$6,521,723</b>	<b>\$6,096,759</b>
	N/A	N/A	119.8%	<b>85.5%</b>	<b>-6.5%</b>

**Source:** State Special Revenue Fund Group: (1) Effective FY 2008, a designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) effective FY 2009, \$5 of an additional \$10 in court costs for moving violations, and (3) effective FY 2010, (a) 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, (b) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (c) a designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (d) a \$25 bail bond surcharge

**Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 363.10 of Am. Sub. H.B. 153 of the 129th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

**Purpose:** The line item is used for the purposes of appointing assistant state public defenders or for providing other personnel, equipment, and facilities necessary for the operation of the State Public Defender Office. State law permits the State Public Defender Office to use not more than 10% of the money in the Indigent Defense Support Fund (Fund 5DY0) for these purposes.