

**GENERAL REVENUE FUND**

GRF 019-100 PERSONAL SERVICES

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$4,507,583	\$4,810,503	\$5,095,954	\$6,219,275	\$0	\$0
	6.7%	5.9%	22.0%	-100.0%	N/A

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.01

**Purpose:** This GRF line item provided funding for personal services for the basic administrative operation of the Ohio Public Defender Commission. The budget for FY 98 & FY 99 reflects a move to a programmatic presentation of state-funded activities. The elimination of funding for line item 019-100, Personnel Services, is balanced in the creation of GRF line items 019-321, Public Defender Administration, and 019-401, State Legal Defense Services. The budget merges line items 019-100 Personal Services, 019-200 Maintenance and 019-300 Equipment into 019-321 Public Defender Administration and 019-401 State Legal Defense Services.

GRF 019-200 MAINTENANCE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$899,238	\$944,645	\$1,094,087	\$1,085,963	\$0	\$0
	5.0%	15.8%	-0.7%	-100.0%	N/A

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.01

**Purpose:** This GRF line item provided funding for maintenance for the basic administrative operation of the Ohio Public Defender Commission. The budget for FY 98 & FY 99 reflects a move to a programmatic presentation of state-funded activities. The elimination of funding for line item 019-200, Maintenance, is balanced in the creation of GRF line items 019-321, Public Defender Administration, and 019-401, State Legal Defense Services. The budget merges line items 019-100 Personal Services, 019-200 Maintenance and 019-300 Equipment into 019-321 Public Defender Administration and 019-401 State Legal Defense Services.

GRF 019-300 EQUIPMENT

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$107,808	\$456,470	\$228,350	\$61,666	\$0	\$0
	323.4%	-50.0%	-73.0%	-100.0%	N/A

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.01

**Purpose:** This GRF line item provided funding for personal services for the basic administrative operation of the Ohio Public Defender Commission. The budget for FY 98 & FY 99 reflects a move to a programmatic presentation of state-funded activities. The elimination of funding for line item 019-300, Equipment, is balanced in the creation of GRF line items 019-321, Public Defender Administration, and 019-401, State Legal Defense Services. The budget merges line items 019-100 Personal Services, 019-200 Maintenance and 019-300 Equipment into 019-321 Public Defender Administration and 019-401 State Legal Defense Services.

GRF 019-321 PUBLIC DEFENDER ADMINISTRATION

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$0	\$0	\$0	\$0	\$1,613,969	\$1,615,955
	N/A	N/A	N/A	N/A	0.1%

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.01

**Purpose:** This GRF line item provides funding for personal services, maintenance and equipment for the basic administrative operation of the Ohio Public Defender Commission. The executive budget for FY 98 & FY 99 reflects a move to a programmatic presentation of state-funded activities. The decrease in funding for line item 019-321, Public Defender Administration, is balanced by the creation of GRF line item 019-401, State Legal Defense Services. GRF line item 019-321, Public Defender Administration, has existed until this proposed budget as three separate 100, 200 and 300 level line items. The executive budget would merge line items 019-100 Personal Services, 019-200 Maintenance and 019-300 Equipment into 019-321 Public Defender Administration and 019-401 State Legal Defense Services.

GRF 019-401 STATE LEGAL DEFENSE SERVICES

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$0	\$0	\$0	\$0	\$6,573,237	\$6,555,060
	N/A	N/A	N/A	N/A	-0.3%

**Source:** general revenue fund (GRF)

**Legal Basis:** established by Am. Sub. H.B. 215 of the 122nd General Assembly

**Purpose:** This GRF line item will fund the State Legal Defense Services program that provides legal representation and support to indigent adults, juveniles and incarcerated indigent individuals in all courts when representation is required pursuant to Ohio Law, the Ohio Constitution, the United States Constitution or other federal mandates or when requested by a court, county public defender or inmate. Also provided are information, training and legal research resources for defense attorneys, judges and others throughout the state, as well as assistance to inmates held in state-run prisons and youth detention centers. Currently, this program is funded through GRF line items 019-100, 019-200 and 019-300.

GRF 019-403 MULTI-COUNTY PUBLIC DEFENSE-STATE SHARE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$545,285	\$626,376	\$774,873	\$879,092	\$937,351	\$959,644
	14.9%	23.7%	13.4%	6.6%	2.4%

**Source:** GRF (the nine counties participating in this program are Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. Each of the counties cover a portion of the program's operating expenses by making payments, which are deposited in State Special Revenue appropriation item 019-601, Multi-County: County Share)

**Legal Basis:** ORC 120.04 and ORC 120.06 (originally established by Controlling Board on December 17, 1990)

**Purpose:** This GRF special purpose account provides funding for the commission's Multi-County Program which began operation on January 1, 1991. The nine counties have combined resources to provide indigent defense. Under the program the participating counties have entered into contracts with the commission to provide indigent defense services in their county. The commission in turn contracts with local attorneys or law firms in the region who provide the indigent defense service. In addition, the commission maintains regional branch offices in Athens, Ross, and Washington counties. These regional branch offices provide indigent defense services in these three counties and offer support services to all participating counties.

GRF 019-404 TRUMBULL COUNTY-STATE SHARE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$208,000	\$248,760	\$313,377	\$339,176	\$370,875	\$379,808
	19.6%	26.0%	8.2%	9.3%	2.4%

**Source:** general revenue fund (GRF) (funding for the Trumbull office is also drawn from State Special Revenue Fund appropriation item 019-610, Trumbull County – County Share, which receives payments for the provision of these legal services from Trumbull County and surrounding municipalities, prior to FY 1994, this revenue was deposited in General Services Fund appropriation item 019-604, County Representation)

**Legal Basis:** originally established by Am. Sub. H.B. 291 of the 115th G.A.

**Purpose:** The commission currently maintains a branch office in the City of Warren that provides legal indigent defense services in Trumbull County. The line item was renamed from Indigent Defense Office to reflect that the office no longer serves several courts of the surrounding area including neighboring Mahoning County.

GRF 019-405 TRAINING ACCOUNT

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$39,325	\$45,300	\$51,300	\$48,300	\$50,000	\$50,000
	15.2%	13.2%	-5.8%	3.5%	0.0%

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.04 (originally established by Am. Sub. H.B. 171 of the 117th G.A.)

**Purpose:** The revenue is used solely to fund free training for public defenders, as well as private attorneys who accept appointments to represent indigent criminal defendants. Prior to FY 1988, the commission hosted training seminars, and charged fees of \$75 to \$150 to attendees. To encourage more attorneys to attend these seminars, the commission waives the attendance fee for any attorney who agrees to represent one indigent client per year at no cost to the state or county. Temporary law in the main appropriations act of each General Assembly stipulates that this is the exclusive purpose for which revenue in the account may be used.

GRF 019-501 COUNTY REIMBURSEMENT - NON-CAPITAL CASES

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$18,538,498	\$19,802,327	\$22,632,289	\$23,701,135	\$24,726,314	\$25,334,116
	6.8%	14.3%	4.7%	4.3%	2.5%

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.18 (county public defender commissions); ORC 120.28 (joint county public defender commissions); ORC 120.33 (county appointed counsel systems); authorize payments (originally established by Am. Sub. H.B. 164 of the 111th G.A.)

**Purpose:** This GRF subsidy is used to reimburse counties for up to 50 percent of their costs of operating county public defender offices, joint county public defender offices and appointed counsel systems. Expenditures incurred for capital cases, however, are reimbursed through GRF appropriation item 019-503, County Reimbursement – Capital Cases. If funding in the subsidy is insufficient to reimburse 50 percent of these costs for non-capital cases, the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally. This line item, 019-501, was formerly named Indigent Defense.

GRF 019-503 COUNTY REIMBURSEMENT - CAPITAL CASES

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$807,946	\$753,997	\$962,028	\$918,325	\$909,931	\$932,014
	-6.7%	27.6%	-4.5%	-0.9%	2.4%

**Source:** general revenue fund (GRF)

**Legal Basis:** ORC 120.35 (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

**Purpose:** The account is used to reimburse counties for up to 50 percent of their costs of defending persons accused of capital crimes. Prior to FY 1984, counties were reimbursed for these expenses through GRF appropriation item 019-501, County Reimbursement – Non-Capital Cases. The subsidy is intended to make it easier to track the costs of capital cases. If the appropriation to the subsidy is inadequate to fund 50 percent of these costs, the reimbursement percentage is reduced equally for all counties. This line item, 019-503, was formerly named Capital Punishment.

**GENERAL SERVICES FUND GROUP**

101 019-602 INMATE LEGAL ASSISTANCE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$42,402	\$43,622	\$46,958	\$47,227	\$49,519	\$49,757
	2.9%	7.6%	0.6%	4.9%	0.5%

**Source:** funding provided by the Ohio Department of Rehabilitation and Correction

**Legal Basis:** originally established by Controlling Board on September 14, 1987

**Purpose:** This special account funds a program that assists inmates at the state's Marion Correctional Institution with legal matters. The line item finances the payroll and maintenance costs associated with one commission attorney. This fund has gone through a series of changes, it was first established as Rotary Fund 08, account 602, by the Controlling board September 25, 1978. However, the fund was used for a College Intern Cooperative between The Ohio State University and the commission. The Controlling Board changed the fund June 23, 1980 to include appropriations for an Inmate Legal Assistance Program. Pursuant to an order of the U.S. District Court for the Southern District of Ohio, Stewart v. Rhodes, the Ohio Department of Corrections were required to assist inmates in the use of law library research materials at the Ohio Penitentiary. On September 14, 1987, the Controlling Board renamed Fund 08 to Fund 101, and created the 019-602 Inmate Legal Assistance account, this provided the commission access under the new Central Accounting System (CAS). After several years in which the account had no appropriation authority, the Controlling Board approved an appropriation April 15, 1991 to the account for the costs of an attorney to assist inmates in the use of law library research materials at the Marion Correctional Institution. The Controlling Board approved an additional account, 019-607 Juvenile Assistance, under Fund 101, August 16, 1993.

406 019-603 TRAINING AND PUBLICATIONS

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$0	\$0	\$0	\$1,887	\$22,000	\$22,000
	N/A	N/A	N/A	1065.9%	0.0%

**Source:** fees received by the commission for conducting educational seminars, as well as the sale of publications on topics concerning criminal law and procedures

**Legal Basis:** ORC 120.03 (D) (originally established by Controlling Board September, 1982; established into permanent law by Am. Sub. H.B. 291 of the 115th G.A.)

**Purpose:** The commission is required to expend the money from this line item for the sole purpose of conducting programs having a general objective of training and educating attorneys and others in the legal representation of indigent persons.

407 019-604 COUNTY REPRESENTATION

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$76,851	\$52,542	\$0	\$468	\$152,166	\$146,420
	-31.6%	-100.0%	N/A	32414.1%	-3.8%

**Source:** revenues received by counties for their share of legal representation costs of indigent persons

**Legal Basis:** ORC 120.06 (D) (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

**Purpose:** The line item is used to pay part of the costs incurred by the State Public Defender in providing legal representation for indigent defendants. When the State Public Defender is designated by a court or requested by a county public defender office to provide legal representation for an indigent person, the appropriate county is billed for 50 percent of the cost of this representation and the payments are deposited to this line item. Prior to FY 1994, the line item also received revenue from a contract with Trumbull County for operation of the Trumbull County Branch Office, which provides indigent representation to the county and surrounding municipalities. To permit better tracking of the expenses associated solely with the Trumbull County Branch Office, this revenue piece was redirected for deposit in General Services Fund appropriation item 019-610, Trumbull County Office, starting with FY 1994. In FY 1998, the revenue from Trumbull County will be directed to State Special Revenue Fund appropriation item 019-610, Trumbull County – County Share.

408 019-605 CLIENT PAYMENT

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$3,533	\$71,906	\$33,071	\$30,790	\$67,352	\$121,980
	1935.3%	-54.0%	-6.9%	118.7%	81.1%

**Source:** revenue due to the state for reimbursement of legal services where defendants are ordered to pay back all or part of the costs of the representation which was provided to them by appointed counsel or a county public defender office; all of the revenues collected are then deposited in this line item

**Legal Basis:** ORC 120.04 (originally established by Am. H.B. 291 of the 115th G.A.)

**Purpose:** The line item is to be used by the commission to appoint assistant public defenders and to provide other personnel, equipment, and facilities necessary for commission operations. The revenue may also be used to reimburse counties for the operation of public defender offices and appointed counsel systems.

101 019-607 JUVENILE LEGAL ASSISTANCE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$130,921	\$329,986	\$356,358	\$379,546	\$540,492	\$564,820
	152.0%	8.0%	6.5%	42.4%	4.5%

**Source:** cfda 93.658, Foster Care-Title IV-E (distributed by the Ohio Department of Youth Services (DYS), line item 470-614, Title IV-E Reimbursements; the funds flow from the U.S. Department of Health and Human Services to the Ohio Department of Human Services and then are passed on to DHS)

**Legal Basis:** originally established by Controlling Board on August 16, 1993

**Purpose:** The line item supports a joint program between the Department of Youth Services and the Ohio Public Defender Commission. Through this program, the commission will provide staff to assist youths in DHS institutions in obtaining access to the courts on juvenile legal issues relating to the commitment process, appeals and collateral rights. The program is being put into place in response to the U.S. Court of Appeals for the Sixth Circuit ruling that indigent incarcerated juveniles have a constitutional right of access to the courts through attorneys provided by the State.

407 019-610 TRUMBULL COUNTY OFFICE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$358,410	\$384,936	\$350,604	\$342,910	\$0	\$0
	7.4%	-8.9%	-2.2%	-100.0%	N/A

**Source:** revenue received by Trumbull County for the operation of the Trumbull County Branch Office

**Legal Basis:** ORC 120.06 (D)

**Purpose:** The line item provides indigent representation to Trumbull County and surrounding municipalities. Prior to FY 1994, these contract revenues were deposited in General Services Fund appropriation item 019-604, County Representation. The state's portion of indigent defense costs is drawn from GRF appropriation item 019-404, Trumbull County – State Share. In the executive budget, revenues for this purpose will be transferred to State Special Revenue line item 019-610, Trumbull County – County Share. This line item will be in a new fund, 4X7 – Trumbull County – County Share, to separate the funds from those of the County Representation Program, also currently in fund 407.

**FEDERAL SPECIAL REVENUE FUND GROUP**

**3H4 019-609 DEATH PENALTY RESOURCE CENTER**

<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>	<b>FY 1999</b>
\$513,220	\$379,914	\$401,825	\$0	\$0	\$0
	-26.0%	5.8%	-100.0%	N/A	N/A

**Source:** federal grant revenue from the Administrative Office of the United States Courts, Defender Services Division, (no direct state match is required to receive this federal money, however, the federal grant was made with the condition that the state expend a designated amount of money on death penalty appeals and post-conviction cases). The revenue source, the Postconviction Defender Organization Grant, was defunded in March of 1996.

**Legal Basis:** originally established by Controlling Board on September 24, 1990

**Purpose:** The revenue is used by the commission for the purposes of operating a federal Death Penalty resource center. The resource center provides representation and legal resources for the provision of counsel in death penalty habeas actions. The grant funding for the resource center is a result of a designation made by the Sixth Circuit Task Force on Federal Habeas Corpus Death Penalty Cases for Ohio.

**3M8 019-611 PD CASE MANAGEMENT**

<b>FY 1994</b>	<b>FY 1995</b>	<b>FY 1996</b>	<b>FY 1997</b>	<b>FY 1998</b>	<b>FY 1999</b>
\$12,949	\$201,535	\$152,375	\$96,416	\$51,369	\$0
	1456.4%	-24.4%	-36.7%	-46.7%	-100.0%

**Source:** cfda 16.579, Byrne Memorial State and Local Law Enforcement Assistance (distributed by the Ohio Office of Criminal Justice Services - OCJS). The commission has been approved for funding through December 1997. The commission is no longer eligible for funding from this source after that time.

**Legal Basis:** originally established by Controlling Board on December 20, 1993

**Purpose:** This account is used to receive, disburse and account for federal funds from a federal grant being made to the commission through OCJS. Under this program, the State Public Defender will provide all county public defender offices with a computer, case management software and training to improve the efficiency of operations at the local level. The grant will also support a county outreach program whereby staff assists counties by providing information and resources to improve indigent defense delivery systems throughout the state at the request of the counties.

3M9 019-612 COMMUNITY RECONCILIATION

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$8,861	\$22,892	\$40,645	\$47,656	\$32,221	\$0
	158.3%	77.6%	17.2%	-32.4%	-100.0%

**Source:** cfda 16.579, Byrne Memorial State and Local Law Enforcement Assistance (distributed by OCJS) The commission has been approved for funding through December 1997. The commission is no longer eligible for funding from this source after that time.

**Legal Basis:** originally established by Controlling Board on December 20, 1993

**Purpose:** The line item is used to receive, disburse, and account for the federal funds. The revenue is used for a model reconciliation program in Athens County. The program brings defendants and their victims face to face to find ways of appropriate restitution.

STATE SPECIAL REVENUE FUND GROUP

4C7 019-601 MULTI-COUNTY: COUNTY SHARE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$884,500	\$912,203	\$836,005	\$980,952	\$1,136,189	\$1,162,059
	3.1%	-8.4%	17.3%	15.8%	2.3%

**Source:** payments from counties for their portion of the costs of operating the commission's Multi-County Program (counties participating in this program are Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington; the state's portion of the costs of operating the program are drawn from GRF appropriation item 019-403, Multi-County: State Share)

**Legal Basis:** ORC 120.01-120.26 (originally established by Controlling Board on December 17, 1990)

**Purpose:** The program provides county-level indigent defense in the nine-county region by use of state public defenders located in branch offices, as well as by private attorneys under contract with the commission.

574 019-606 LEGAL SERVICES CORPORATION

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$7,755,022	\$8,138,096	\$8,340,519	\$11,883,535	\$12,250,000	\$14,300,000
	4.9%	2.5%	42.5%	3.1%	16.7%

**Source:** (1) Interest On Legal Trust Accounts (IOLTAs) created in ORC 4705.09 and 4705.10; (2) filing fees on most new civil case filings, ORC 1901.26, 1907.24, and 2303.201; (3) Interest On Trust Accounts (IOTAs) created in ORC 3953.231 and (4) gifts, bequests, donations, contributions, and income from investments

**Legal Basis:** ORC 120.52 (originally established by Am. Sub. S.B. 219 of the 115th G.A.)

**Purpose:** The line item is used for the charitable purpose of distributing financial assistance to legal aid societies that provide civil legal services to indigents. Prior to Am. Sub. H.B. 152 of the 120th G.A., effective July 1, 1993, the commission was permitted to assess the fund for the reasonable costs of administering the state's legal aid society law contained in sections 120.51 through 120.55 of the Revised Code, with the remainder of the revenue to be distributed to legal aid societies under conditions specified in sections 120.51 to 120.54 of the Revised Code. Am. Sub. H.B. 152 made several changes to those provisions, including creating the Ohio Legal Assistance Foundation, a charitable, tax exempt foundation, to administer the program as a branch of the commission, and reserving four and one-half percent of the money in the fund for the actual, reasonable costs of program administration. Am. Sub. S.B. 219 of the 115th G.A., effective April 4, 1985, established this account and its revenue stream composed of temporary court cost add-ons and IOLTA account interest. The court cost add-ons were a \$5.00 charge for new municipal and county court civil actions and a \$10.00 charge for new common pleas court civil actions. No court costs were in effect from January 1, 1987 to July 1, 1987, and a \$1.00 civil court filing fee supported the account in FY 1988 and FY 1989. Subsequent legislative action starting with Am. Sub. H.B. 111 of the 118th G.A. increased the civil court filing fee to \$4.00 (an exemption for civil actions filed with the small claims division of a municipal or county court was removed starting in FY 1992). Am. Sub. H.B. 405 of the 119th G.A., effective January 1, 1993 and scheduled to sunset December 31, 2002, imposed an increase in the preexisting \$4 fee. Each court of common pleas, municipal court, and county court is now required to collect a \$15 filing fee, while small claims divisions will be collecting a filing fee of \$7. Am. Sub. H.B. 117 of the 121st G.A., effective January 1, 1996, increased the revenue stream by including IOTA account interest to the account.

4X7 019-610 TRUMBULL COUNTY - COUNTY SHARE

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$0	\$0	\$0	\$0	\$441,860	\$463,122
	N/A	N/A	N/A	N/A	4.8%

**Source:** revenue received by Trumbull County for the operation of the Trumbull County Branch Office

**Legal Basis:** originally established by Am. Sub. H.B. 215 of the 122nd G.A.

**Purpose:** The line item provides indigent representation to Trumbull County and surrounding municipalities. Prior to FY 1994, these contract revenues were deposited in General Services Fund appropriation item 019-604, County Representation. Currently, the revenues are deposited into General Service Fund appropriation item 019-610, Trumbull County Office. This new State Special Revenue line item will be in a new fund, 4X7 – Trumbull County – County Share, created to separate the funds from those of the County Representation Program, also currently in fund 407. The state's portion of indigent defense costs is drawn from GRF appropriation item 019-404, Trumbull County – State Share.

4N9 019-613 GIFTS AND GRANTS

FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
\$0	\$10,585	\$5,523	\$0	\$0	\$0
	N/A	-47.8%	-100.0%	N/A	N/A

**Source:** local cash contributions for community reconciliation programs

**Legal Basis:** originally established by Controlling Board on June 1, 1994

**Purpose:** The line item is used to receive, disburse, and account for local matching funds for a federal grant being made through the Office of Criminal Justice Services for the Community Reconciliation program.