

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

## PUBCD5 Indigent Defense Support Fund

**R.C. 120.08**

(1) Modifies existing law by specifying that the State Public Defender must use 83% (decreased from 88%) of the money in the Indigent Defense Support Fund (Fund 5DY0) for the purposes of reimbursing county governments for expenses incurred for indigent defense and that the State Public Defender may not use more than 17% (increased from 12%) of the money in the Fund for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the State Public Defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system.

(2) No provision.

**R.C. 120.08**

(1) Same as the Executive.

(2) No provision.

**R.C. 120.08, Section 371.10**

(1) Same as the Executive.

(2) Requires the Ohio Public Defender to use DPF Fund 5DY0 appropriation item 019619, Indigent Defense Support - State Office, for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and

**R.C. 120.08, Section 371.10**

(1) Same as the Executive.

(2) Same as the Senate.

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(3) No provision.

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maintaining an information technology system used for the uniform operation of R.C. Chapter 120.

(3) Permits, notwithstanding R.C. 120.08, the Ohio Public Defender, from July 1, 2017 until the effective date of the changes to that section created of the bill, to use up to 17% of the money in the Indigent Defense Support Fund (Fund 5DY0) for the purposes described in provision (2) above.

(3) Same as the Senate.

**Fiscal effect: Potential: (1) reduction in the amount of funding expended annually from Fund 5DY0 for the county reimbursement system, and (2) increase in the funding available for the State Public Defender's operating expenses by the same amount.**

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

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## PUBCD7 Reimbursement for indigent defense services

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

(1) No provision.

(1) Requires the State Public Defender to reimburse county governments 50% of the expenses they incur in providing indigent defense services in noncapital cases, and 100% (increased from 50% under current law) of the expenses incurred for indigent defense in capital cases.

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

(1) Same as the House, but removes the requirement from the House provision that the State Public Defender reimburse county governments 50% of the expenses they incur in providing indigent defense services in noncapital cases (removal restores current law requiring 50% reimbursement in noncapital cases subject to proportional reduction if the available appropriation is insufficient to cover 50% of the counties' costs).

(1) No provision.

(2) No provision.

(2) Eliminates the allowance for proportional reduction of reimbursement to the counties in providing indigent defense services in noncapital and capital cases if the General Assembly's appropriation to the State Public Defender is insufficient to cover the counties' costs for indigent defense.

(2) No provision.

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**Fiscal effect:** Increases, in millions of dollars annually, the amount that the state will be required to reimburse counties for their cost of providing indigent defense services. The bill increases the amount of GRF appropriated for this purpose by \$7.1 million in FY 2018 and \$7.9 million in FY 2019, with a corresponding increase in the estimated county reimbursement rate from around 40% under the executive budget to around 45%.

**Fiscal effect:** The requirement that the State Public Defender reimburse county governments 100% of the cost of their indigent defense services in capital cases may increase the reimbursement expenditures of the State Public Defender by around \$1 million annually.

## PUBCD6 Affidavit of Indigency

## R.C. 120.33, 120.36, and 2941.51

Removes the existing requirement that a sworn and notarized affidavit of indigency accompany the financial disclosure form completed by an indigent person when seeking counsel for public defense.

**Fiscal effect: None.**

## R.C. 120.33, 120.36, 2941.51

Same as the Executive.

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

## R.C. 120.33, 120.36, 2941.51

Same as the Executive.

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

## R.C. 120.33, 120.36, 2941.51

Same as the Executive.

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

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**PUBCD1 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, be used to support an indigent defense office for Trumbull County.

**Section: 371.10**

Same as the Executive.

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Same as the Executive.

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Same as the Executive.

**PUBCD2 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, be used to support the Commission's Multi-County Branch Office Program.

**Section: 371.10**

Same as the Executive.

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Same as the Executive.

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Same as the Executive.

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**PUBCD3 Training account****Section: 371.10**

Requires GRF appropriation item 019405, Training Account, 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.

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Same as the Executive

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Same as the Executive

**PUBCD4 Federal representation****Section: 371.10**

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

**Section: 371.10**

Same as the Executive.

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Same as the Executive.

**Section: 371.10**

Same as the Executive.

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## PUBCD8 Cash transfer from the General Revenue Fund to the Legal Aid Fund

No provision.

**Section: 371.10**

Requires the Director of Budget and Management, on July 1 of each fiscal year, or as soon as possible thereafter, to transfer \$10,000 from the GRF to the Legal Aid Fund (Fund 5740). Requires the transferred 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.

**Section: 371.10**

Same as the House.

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Same as the House.