
STATE PUBLIC DEFENDER

- Authorizes the State Public Defender to enter into agreements to license, lease, sell, or market for sale intellectual property it owns, and use the payments for operations of the Office of the Public Defender and indigent defense programs.
- Changes how much a county is required to pay the State Public Defender for legal representation of an indigent defendant, such that the county must pay 100% of the legal fees and expenses but may submit the combined cost to the State Public Defender for up to full reimbursement.
- Requires the State Public Defender to reimburse county governments the cost they incur in providing indigent defense in cases, including capital cases, subject to a proportional reduction if the General Assembly's appropriation to the State Public Defender is insufficient to cover the counties' costs.
- Changes the name of the Ohio Legal Assistance Foundation to the Ohio Access to Justice Foundation.
- Requires the State Public Defender, in each fiscal year, to make certain determinations with regards to county reimbursements for indigent defense and report those findings and determinations the following fiscal year to the Governor and specified members of the General Assembly.

State Public Defender powers

(R.C. 120.04)

The act authorizes the State Public Defender to enter into agreements to license, lease, sell, and market for sale intellectual property owned by the Office of the Public Defender and receive payments from those agreements for the operation of the Office and programs for indigent persons' defense. All funds received under the agreements must be deposited to the credit of the preexisting Public Defender Gifts and Grants Fund.

State Public Defender billing practices

(R.C. 120.06)

The act provides that, when (1) the State Public Defender is designated by a court or requested by a county or joint county public defender to provide legal representation for an indigent person, other than pursuant to a contract, and (2) the State Public Defender sends the involved county a bill for the actual cost of the representation that itemizes the legal fees and expenses so involved, the county must pay the State Public Defender 100% of the legal fees and expenses itemized in the bill. But upon payment of the bill, the county may submit the combined cost of the legal fees and expenses to the State Public Defender for reimbursement, as described below in **"Reimbursement for indigent defense."**

Previously, in this situation, the county: (1) had to pay 100% of the amount identified in the State Public Defender's submitted bill as legal fees, less a calculated state reimbursement rate reduction, and 100% of the amount identified as expenses, and (2) could submit the cost of the expenses, excluding legal fees, to the State Public Defender for reimbursement.

Reimbursement for indigent defense

(R.C. 120.08, 120.18, 120.28, 120.33, 120.34, 120.35, and 2941.51)

The act requires the State Public Defender to reimburse county governments for the costs they incur in providing indigent defense in cases, including capital cases, but the reimbursement amount must be reduced by an equal amount for all counties if the General Assembly's appropriation to the State Public Defender is insufficient to cover the counties' costs for indigent defense. The act retains a related provision that specifies that the amount to be reimbursed for indigent defense in any fiscal year cannot exceed the total amount appropriated by the General Assembly for that year for reimbursements. Prior to the act, the law required 50% reimbursement by the State Public Defender to counties for the total cost of indigent defense in capital and noncapital cases, subject to the same type of allowance for a proportional reduction of the reimbursements and the same capping of the reimbursements at the General Assembly's appropriation for the year.

Legal Assistance Foundation name change

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

The act changes the name of the Ohio Legal Assistance Foundation to the Ohio Access to Justice Foundation.

The Foundation is a nonprofit organization that supports the delivery of civil legal services to indigent clients. It is created in statute, and receives much of its funding from local court fees and the Interest on Lawyers Trust Accounts (IOLTA) and Interest on Trust Accounts (IOTA) programs.

State Public Defender reimbursement study and report

(R.C. 120.041)

In addition to other duties under Ohio law, the State Public Defender must make certain determinations for each state fiscal year and prepare a report that includes all of its findings and determinations described below for that fiscal year. By October 1 following the fiscal year covered by the report, the State Public Defender must submit the report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and the Governor.

These determinations are as follows:

1. The total dollar amount of all requests for reimbursements submitted for that fiscal year by counties under R.C. 120.18, 120.28, 120.33, 120.35, and 2941.51;

2. The total dollar amount paid to all counties as reimbursements under the requests described in (1) above that were submitted for that fiscal year;

3. The percentage of total costs submitted by counties under the requests described in (1) above that was paid to all counties as reimbursements for that fiscal year;

4. Commencing in FY 2021, the increase or decrease in the total dollar amount found under (2) above from the total dollar amount found under (2) for the previous fiscal year;

5. Out of the total dollar amount found under (2) above that was paid to all counties as a reimbursement, the total amount of that money used by all of the counties for each of the following categories of costs:

- Appointed counsel;
- Personnel;
- Expert witnesses;
- Investigations;
- Transcripts;
- Rent or lease, utilities, furnishings, maintenance, and equipment;
- Travel;
- Any other category of costs set by the State Public Defender.

6. Commencing in FY 2021, the increase or decrease in the amount of money found under (5) above to have been used for each category of costs described in (5) from the amount of money found under that division to have been used for each such category of costs for the previous fiscal year;

7. The cost per each felony, misdemeanor, traffic, or juvenile delinquency case assigned to a public defender or counsel pursuant to R.C. 120.06, 120.16, 120.26, or 120.33.