

Redbook

LBO Analysis of Executive Budget Proposal

Ohio Public Defender Commission

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Catalog of Budget Line Items (COBLI)

Appropriation Spreadsheet

LBO Redbook

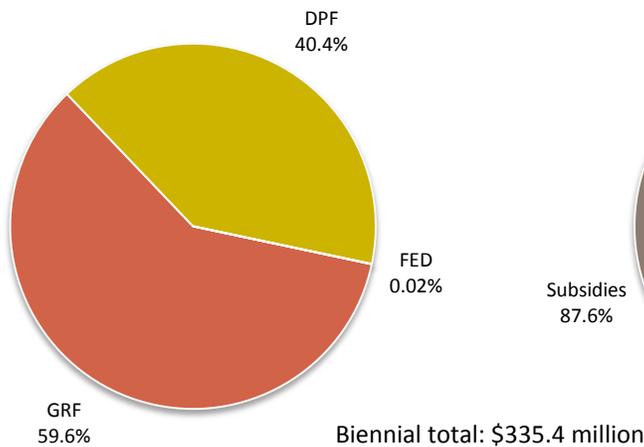
Ohio Public Defender Commission

Quick look...

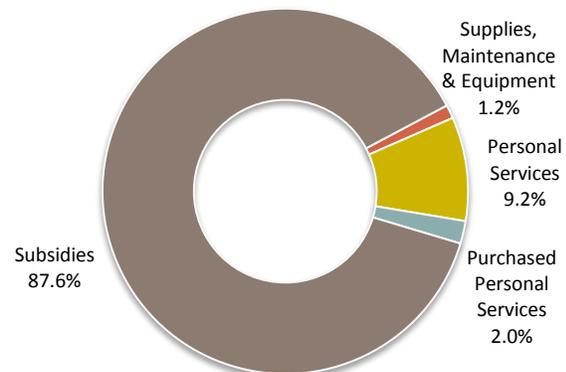
- The Ohio Public Defender Commission provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court.
- The executive budget recommends a total of \$335.4 million for the FY 2020-FY 2021 biennium, of which \$199.7 million, or 59.5%, is appropriated from the General Revenue Fund (GRF).
- Subsidies, largely for county criminal indigent defense service reimbursements, constitute the largest biennial spending category: 87.6%, or \$293.7 million.
- The executive budget increases biennial GRF funding for county reimbursements by over \$118 million; the Commission estimates the reimbursement rate will increase from 42% to between 70%-75%.

Fund Group	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
General Revenue (GRF)	\$36,372,578	\$38,043,406	\$99,686,145	\$100,061,780
Dedicated Purpose (DPF)	\$61,511,397	\$62,930,195	\$67,713,152	\$67,869,813
Federal (FED)	\$37,662	\$41,099	\$38,315	\$38,315
Total	\$97,921,636	\$101,014,700	\$167,437,612	\$167,969,908
% change	--	3.2%	65.8%	0.3%
GRF % change	--	4.6%	162.0%	0.4%

**Chart 1: PUB Budget by Fund Group
FY 2020-FY 2021 Biennium**



**Chart 2: PUB Budget by Expense Category
FY 2020-FY 2021 Biennium**



Overview

Agency overview

The Ohio Public Defender Commission provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court. Also notable are the Commission's role as: (1) administrator of the subsidy program that partially reimburses counties for indigent defense expenditures related to the operation of local public defender offices or the use of appointed counsel, and (2) administrator of pass-through funding for the Ohio Legal Assistance Foundation (OLAF).

The Commission consists of nine appointed members; the Governor appoints five, including the chair, and the Supreme Court of Ohio appoints the other four. No more than five members can be from one of the two major political parties. The Commission appoints a state public defender who maintains and administers the Office of the Ohio Public Defender.

Appropriation summary

The executive budget provides a total appropriation of \$167.4 million in FY 2020 and \$168.0 million in FY 2021 for a combined total of \$335.4 million for the biennium. The table and Chart 1 shown in the preceding **"Quick look"** section present the executive recommended appropriations by fund group. As shown in Chart 1, the General Revenue Fund (GRF) comprises 59.6%, or \$199.7 million, of the Commission's biennial budget, and the Dedicated Purpose Fund comprises another 40.4%, or \$135.6 million. The small remainder, 0.02%, or \$76,630, comes from the Federal Fund Group (FED).

Chart 2 in the **"Quick look"** section shows the executive recommended biennial appropriation by object of expense. The Commission's largest biennial expense category is subsidies (county indigent defense reimbursements and OLAF pass-through funding) 87.6%, or \$293.7 million. The remainder of the Commission's biennial expenses is comprised of its operating expenses 12.4%, or \$41.7 million. This includes, in order of magnitude, personal services (wages, salaries, fringe benefits, and payroll checkoff charges), purchased personal services, supplies and maintenance, and equipment.

Staffing levels

Table 1 below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FY 2014 projected through FY 2021. The appropriations in the executive budget appear to be sufficient for the Commission to retain the equivalent of 140.5 full-time staff (FTEs) in the next biennium.

Table 1. Commission Staffing Levels,* FY 2014-FY2021**

Activity	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
State Legal Defense	74.0	73.0	80.5	80.5	79.5	78.5	78.5	78.5
County Indigent Defense	32.5	33.5	34.7	34.7	36.0	39.0	39.0	39.0
Program Management	30.5	31.0	23.0	23.0	23.0	23.0	23.0	23.0
Total	137.0	137.5	138.2	138.2	138.5	140.5	140.5	140.5

*These numbers represent full-time equivalent (FTE) staff positions.

**FY 2019 numbers are actual FTEs as of this date, while FY 2020 and FY 2021 are estimates.

Duties and responsibilities

In addition to its primary fiscal function of administering the state's county indigent defense reimbursement system, the Commission:

- Establishes the standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising the compliance with these standards.
- Provides technical assistance to county public defenders and appointed counsel.
- Provides legal services to inmates at the state's correctional facilities, trial-level representation in some capital cases, and appellate and post-appeals representation in capital and noncapital cases.
- Serves as the custodian of funds that are subsequently transferred to the Ohio Legal Assistance Foundation (OLAF) for the purpose of providing financial assistance to legal aid societies throughout the state.

County indigent defense services delivery systems

In meeting the right to counsel obligations in criminal matters, each county has the option of:

- Establishing a county public defender system.
- Establishing a joint county public defender system.
- Adopting a schedule to pay private appointed counsel.
- Contracting with the state public defender.
- Contracting with a nonprofit corporation.

The board of county commissioners in each county determines the method of providing indigent defense services. Currently, counties use one of four methods: court-appointed counsel (40), county public defenders (28), contract with the state's Office of the Ohio Public Defender (11), or contract with nonprofit corporations (9).

Analysis of FY 2020-FY 2021 budget proposal

Introduction

This section provides an analysis of the Governor's recommended funding for each appropriation line item (ALI) in the Commission's budget. For organizational purposes, these ALIs are grouped into four major categories based on their funding purposes. The analysis for an ALI with a lower category or subcategory designation will appear before that for an ALI with a higher category or subcategory designation. That is, the analysis for an ALI with a category designation of C1:8 will appear before the analysis for an ALI with a category designation of C2:1 and the analysis for an ALI with a category designation of C1:3 will appear before the analysis for an ALI with a category designation of C1:8.

To aid the reader in locating each ALI in the analysis, the following table shows the category in which each ALI has been placed, listing the ALIs in order within their respective fund groups and funds.

In the analysis, each ALI's estimated expenditures for FY 2019 and recommended appropriations for FY 2020 and FY 2021 are listed in a table. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation that are proposed by the Governor. If the appropriation is earmarked, the earmarks are listed and described.

Categorization of Commission's ALIs for Analysis of FY 2020-FY 2021 Budget Proposal					
Fund	ALI	ALI Name		Category	
General Revenue Fund					
GRF	019401	State Legal Defense Services	C1:1	State Legal Defense Services	
GRF	019403	Multi-County: State Share	C2:3	County-Level Indigent Defense	
GRF	019404	Trumbull County – State Share	C2:4	County-Level Indigent Defense	
GRF	019405	Training Account	C2:1	County-Level Indigent Defense	
GRF	019501	County Reimbursement	C2:2	County-Level Indigent Defense	
Dedicated Purpose Fund Group					
1010	019607	Juvenile Legal Assistance	C1:2	State Legal Defense Services	
4060	019603	Training and Publications	C4:1	Program Management	
4070	019604	County Representation	C1:3	State Legal Defense Services	
4080	019605	Client Payments	C1:4	State Legal Defense Services	
4C70	019601	Multi-County: County Share	C2:3	County-Level Indigent Defense	
4N90	019613	Gifts and Grants	C1:5	State Legal Defense Services	
4X70	019610	Trumbull County – County Share	C2:4	County-Level Indigent Defense	
5740	019606	Civil Legal Aid	C3:1	Legal Assistance Foundation	
5CX0	019617	Civil Case Filing Fee	C1:6	State Legal Defense Services	
5DY0	019618	Indigent Defense Support – County Share	C2:5	County-Level Indigent Defense	

Categorization of Commission's ALIs for Analysis of FY 2020-FY 2021 Budget Proposal				
Fund	ALI	ALI Name		Category
5DY0	019619	Indigent Defense Support – State Office	C1:7	State Legal Defense Services
Federal Fund Group				
3S80	019608	Federal Representation	C1:8	State Legal Defense Services

Category 1: State Legal Defense Services

This category of line items pays for the provision of legal representation to indigent adults, juveniles, and incarcerated individuals in all courts when the U.S. Constitution requires representation, or when it is requested by the court, the county or joint county public defender, or an inmate. Most legal matters in which the state provides direct representation involve appeals or death penalty cases. Indigent defense for most other cases is provided locally by public defenders or assigned counsel.

The recommended amounts are likely to be sufficient to maintain the current level of State Legal Defense Services, including personal services expenses (wages, salaries, fringe benefits, and payroll checkoff charges) for 78.5 FTE staff positions.

Services and Activities

The specific types of services and activities grouped under the State Legal Defense Services are described in more detail below.

- **Appeals and Post-conviction Representation.** This is a program with the purpose of providing legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated. Claims of unlawful incarceration of indigent persons are reviewed to determine whether their claims have arguable merit. If arguable merit is present, attorney staff may litigate the claim in the appropriate court. This program has nine staff attorneys and three supervising attorneys who provide representation in over 1,400 cases per year where the indigent claim unlawful incarceration.
- **Death Penalty Representation.** This is a program with the purpose of providing competent legal counsel to indigent persons under the sentence of death (Ohio's death row inmates on direct appeal, state post-conviction, federal habeas corpus, and clemency appeals), as well as legal assistance, criminal investigation and mitigation, and trial services to private appointed attorneys in such cases. This program also supports training seminars on death penalty law to help ensure that the state bar meets requirements imposed under Ohio Supreme Court Superintendence Rule 20. This program has nine staff attorneys, and three supervisors. The staff attorneys work on capital appeals, post-conviction, and habeas corpus cases. These attorneys not only provide counsel during the review of death penalty cases through the state courts, but also as those cases go through the federal habeas corpus litigation process, which is complex and time consuming.

- **Intake and Prison Services.** This program consists of three units: (1) Intake, which fields calls, handles routine questions, and receives initial requests for legal representation, (2) Records Management, which opens new case files, gathers relevant documents, delivers the files to supervisors for attorney assignment, and generates statistical reports, and (3) Prison Legal Services, which provides legal advice to inmates at the three reception centers in Ohio’s prison system. Incoming inmates receive an orientation, information regarding their legal rights, and an opportunity to speak with an attorney regarding their case. Prison Legal Services attorneys and staff will review and respond to approximately 2,100 new requests for assistance, including parole board and revocation hearings.
- **Juvenile Legal Assistance.** This is a program with the purpose of providing legal assistance and representation to juveniles who have been committed to the departments of Youth Services (DYS) or Rehabilitation and Correction (DRC). Upon entering a DYS or DRC correctional facility, juveniles receive an orientation from staff attorneys and have an opportunity to have their case reviewed.¹ Additional activities include gathering general information for the juvenile, correcting sentencing errors, filing motions in juvenile court, and representing juveniles on appeal. With limited staff resources (this section has eight attorneys), not every case can be heard. Those cases with the strongest issues and the highest probability for relief are processed. The program also coordinates and provides training to defense attorneys who handle juvenile work and provides legislative advocacy on right to counsel issues and other substantive issues involving children in the juvenile justice system.
- **Legal Resource Center.** This program supports the Commission’s Law Library, which is maintained pursuant to R.C. 120.04(B)(1) requiring it to maintain an office equipped with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment. The Law Library maintains a collection of print and electronic media materials to be used by Commission staff. Reference and research resources are also provided to all Commission staff, county public defenders, appointed counsel, and correctional institution librarians.
- **Trial Services.** The purpose of this program is to provide direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio. Given that only three staff attorneys are available, representation is provided in a limited number of cases. The Trial Unit provides services in about 100 to 120 cases per fiscal year. Generally, the only time this program provides representation is when there are no local attorneys qualified to provide representation in a case, typically serious capital cases. Representation may also be provided in situations where local counsel is available, but none are willing to take the case. With some frequency, local judges appoint Trial Services Program attorneys to take over the representation of an indigent defendant whose case proved to be too difficult or time consuming for a private appointed attorney to form the constitutionally requisite attorney-client relationship.

¹ In FY 2018, a total of 435 youths were admitted to DYS facilities. As of March 2019, the Department’s daily facility population averaged 515 juveniles.

- Investigation Services.** The purpose of this program is to provide both criminal and mitigation investigation services for Commission staff attorneys on trial and appellate level death penalty and nondeath penalty cases on behalf of indigent defendants in both adult and juvenile courts in Ohio. The program also provides criminal and mitigation investigation services for county public defender attorneys and court appointed attorneys on death penalty and nondeath penalty cases on behalf of indigent defendants. The Investigation Services Program will provide services for an estimated 60 to 80 criminal investigations each fiscal year, and 25 to 35 mitigation investigations.

C1:1: State Legal Defense Services (ALI 019401)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 019401, State Legal Defense Services	\$4,159,081	\$4,679,317	\$5,034,523
% change	--	12.5%	7.6%

This line item supports the operating expenses (personal services, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services.

Under the executive budget, each fiscal year of the line item's appropriation is allocated, in order of magnitude, across two categories of Commission line items: State Legal Defense Services and Program Management. Of the line item's appropriation, 81.9%, or \$3.8 million in FY 2020, and 82.2%, or \$4.1 million is allocated for State Legal Defense Services. The amount allocated for Program Management is 18.1%, or \$849,000, in FY 2020, and 17.8%, or \$894,221, in FY 2021.

Of the line item's total appropriation, about 91%, or \$4.3 million in FY 2020 and \$4.6 million in FY 2021, is to pay for personal services (wages, salaries, fringe benefits, and payroll checkoff charges). An additional 5%, or about \$240,000, is to pay for supplies and maintenance, and the remaining 4% more or less, or \$171,000, is for purchased personal services.

C1:2: Juvenile Legal Assistance (ALI 019607)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 1010 ALI 019607, Juvenile Legal Assistance	\$208,153	\$204,756	\$204,756
% change	--	-1.6%	0.0%

This line item supports the provision of certain legal services to children committed to the Department of Youth Services.² The entirety of each year's appropriation is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges). The appropriations will be supported by cash transferred from the Department of Youth Services pursuant to an interdepartmental agreement.

C1:3: County Representation (ALI 019604)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 4070 ALI 019604, County Representation	\$195,500	\$280,407	\$285,000
% change	--	43.4%	1.6%

This line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of this money is restricted to providing legal representation for indigent persons, or to provide investigation or mitigation services. Under the executive budget, 91%, of the appropriated amount in each fiscal year primarily is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), and secondarily for supplies and maintenance.

C1:4: Client Payments (ALI 019605)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 4080 ALI 019605, Client Payments	\$695,389	\$715,831	\$737,389
% change	--	2.9%	3.0%

This line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee.³ The money primarily is used for operating expenses incurred by State Legal Defense Services.

Under the executive budget, each fiscal year of the line item's appropriation is allocated, in order of magnitude, across two categories of Commission line items: State Legal Defense Services and Program Management. Of the line item's appropriation, about 74%, or \$525,760 in

² State law authorizes the State Public Defender to provide legal representation and services to a child committed to the DYS relative to the fact, duration, and conditions of the child's confinement. DYS is required to give the State Public Defender access to the child and any DYS institution or record that the State Public Defender needs to provide authorized representation and services (R.C. 120.06 and 5139.04).

³ Existing law permits this money to be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the Commission's operation, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, and (3) provide assistance to counties in the operation of county indigent defense systems.

FY 2020, and \$545,389 in FY 2021, is allocated for State Legal Defense Services. The amount allocated for Program Management is 26%, or \$190,071 in FY 2020, and \$192,000 in FY 2021.

Of the line item's total appropriation, 95%, or \$680,831 in FY 2020 and \$702,389 in FY 2021, is to pay for personal services (wages, salaries, fringe benefits, and payroll checkoff charges). The remaining 5%, or \$35,000, in each fiscal year is to pay for supplies and maintenance.

C1:5: Gifts and Grants (ALI 019613)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 4N90 ALI 019613, Gifts and Grants	\$19,440	\$19,440	\$19,440
% change	--	0.0%	0.0%

This line item is used to expend grants, donations, and awards from public and private sources received for a specific purpose that are credited to the Gifts and Grants Fund (Fund 4N90). Under the executive budget, the line item's entire appropriation in each fiscal year is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges).

Presently, the fund receives an annual gift of \$13,440 from the Ohio State University Moritz College of Law to fund law students for the Commission's Wrongful Conviction Project. The Project focuses primarily on wrongful conviction claims that do not involve DNA evidence, including allegations of flawed science, witness misidentification, and false convictions.

C1:6: Civil Case Filing Fee (ALI 019617)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5CX0 ALI 019617, Civil Case Filing Fee	\$541,222	\$623,425	\$642,904
% change	--	15.2%	3.1%

This line item is supported by a portion of filing fees collected in certain new civil actions and proceedings and credited to the Civil Case Filing Fee Fund (Fund 5CX0). The purpose of the money is to fund assistant public defenders and other personnel, equipment, and facilities necessary for operation of the Commission. Under the executive budget, 97%, or between \$604,000 and \$624,000, of the appropriated amount in each fiscal year is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), and the rest for supplies and maintenance.

C1:7: Indigent Defense Support – State Office (ALI 019619)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5DY0 ALI 019619, Indigent Defense Support – State Office	\$7,012,874	\$7,113,482	\$7,216,852
% change	--	1.4%	1.5%

Of this line item, which draws its appropriation from the Indigent Defense Support Fund (Fund 5DY0), about 51%, or \$3.7 million, of each fiscal year's appropriation is allocated for State Legal Defense Services. The remaining 49%, or \$3.5 million, is allocated for the Program Management to cover expenses related to the agency wide operations.

Of the line item's total appropriation, about 71%, or \$5.1 million in FY 2020 and \$5.2 million in FY 2021, is to pay for personal services (wages, salaries, fringe benefits, and payroll checkoff charges). Close to 17%, or \$1.2 million, in each fiscal year is to pay for supplies and maintenance, and around 10%, or \$749,000, in each fiscal year is for purchased personal services. The remaining 2%, or just over \$100,000, in each fiscal year is for equipment.

Under current law, the Indigent Defense Support Fund (Fund 5DY0) is split such that at least 83% of the money in the fund is used to support county reimbursement of indigent criminal defense services (DPF line item 019618), and not more than 17% is allocated to support the operations of the Commission (DPF line item 019619).⁴

C1:8: Federal Representation (ALI 019608)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
FED Fund 3S80 ALI 019608, Federal Representation	\$38,315	\$38,315	\$38,315
% change	--	0.0%	0.0%

This line item contributes to the funding of State Legal Defense Services, specifically the Death Penalty Division, which provides, coordinates, and supervises 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.⁵

⁴ R.C. 120.08.

⁵ Habeas corpus is an appeal to the federal courts for wrongful conviction and unconstitutional imprisonment. A habeas petition is filed after a defendant has exhausted his or her direct appeal and state post-conviction remedies. In this instance, a defendant combines all of the prior claims raised on direct appeal and state post-conviction and he or she raises them in one petition in the United States District Court. All habeas cases, win or lose, are reviewed by the United States Court of Appeals for the Sixth Circuit in Cincinnati. In this habeas petition, the defendant may only seek relief on claims that involve a violation of the United States Constitution, for example, a violation of the 6th Amendment right

It is supported by money appropriated from the Federal Representation Fund (Fund 3S80), which consists of payments collected from a federal court when it has appointed the State Public Defender to provide legal representation to an indigent defendant in a federal trial or in a federal habeas corpus proceeding, primarily matters involving the death penalty. Nearly 97% of the appropriated amount in each fiscal year is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), and the remainder is for supplies and maintenance.

Category 2: County-Level Indigent Defense

This category of line items is used by the Commission to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county courts. With this portion of its budget, the Commission partially subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters.⁶ State law stipulates that the Commission reimburse counties 50% of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50%, in which case each county receives a reduced, but equal share.

A related temporary law provision stipulates that, if the amount of money appropriated by the General Assembly in FY 2020 or FY 2021 to reimburse counties 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, is sufficient, the Ohio Public Defender may exceed the 50% contribution of the total costs and expenses that are reimbursable for the operation of those offices and systems.

The Commission's county-level indigent defense services and activities also include establishing standards (including indigence), guidelines, and maximum fees for state reimbursement of county-level indigent defense services, and monitoring county compliance with those standards.

For the current FY 2018-FY 2019 biennium, the GRF is expected to provide a total of \$66.4 million as the state share of providing county-level indigent defense, which when combined with non-GRF funding, results in an estimated county indigent defense reimbursement rate of 45% in FY 2020 and 42% in FY 2021. The recommended GRF amount for this purpose for the FY 2020-FY 2021 biennium totals \$189.9 million. When combined with non-GRF funding, the Commission estimates this will result in a county indigent defense reimbursement rate of an estimated 70%-75% in each of FY 2020 and FY 2021. This is also likely to be sufficient to support the personal services expenses (wages, salaries, fringe benefits, and payroll checkoff charges) for 39.0 FTE staff positions.

to effective counsel or a violation of the 8th Amendment right to present mitigating evidence for sentencing.

⁶ Pursuant to R.C. 120.18, 120.28, and 120.33 to 120.35.

C2:1: Training Account (ALI 019405)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 019405, Training Account	\$50,000	\$50,000	\$50,000
% change	--	0.0%	0.0%

This line item supports the Commission's Pro Bono Training Program, under which it contracts with private and nonprofit 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 executive recommended budget should enable the Commission to provide training seminars to approximately 328 attorneys that are appointed to criminal cases. The entirety of each fiscal year's appropriation is allocated to pay companies to deliver pro bono training. 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.⁷ The seminars are provided free of charge to attorneys who are employees of a county public defender office, who contract with the Ohio Public Defender to represent criminal defendants, or who agree to provide representation in an indigent case at no charge to the state.

C2:2: County Reimbursement (ALI 019501)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 019501, County Reimbursement	\$31,188,211	\$90,000,000	\$90,000,000
% change	--	188.6%	0.0%

This line item supports the reimbursement of counties for up to 50% of their indigent defense expenditures on both noncapital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for noncapital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems are reduced equally.

The executive recommended appropriations for this line item mark a significant increase in the commitment of GRF funding for the reimbursement of counties for the provision of indigent criminal defense services. The Commission estimates that the executive recommended appropriations, when combined with non-GRF funding, will result in a county indigent defense reimbursement rate of between 70%-75% in each of FY 2020 and FY 2021. For the current biennium, the annual reimbursement is about 45% in FY 2018 and 42% in FY 2019.

⁷ Rule 20 of the Rules of Superintendence for the Courts of Ohio applies to the appointment of counsel for indigent defendants charged with aggravated murder with one or more specifications of aggravating circumstances for which the defendant could receive a death sentence.

C2:3: Multi-County Branch Office (ALIs 019403 and 019601)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 019403, Multi-County: State Share	\$1,974,091	\$3,607,498	\$3,618,503
% change	--	82.7%	0.3%
DPF Fund 4C70 ALI 019601, Multi-County: County Share	\$2,680,202	\$1,352,812	\$1,356,939
% change	--	-49.5%	0.3%
Total	\$4,654,293	\$4,960,310	\$4,975,442
% change	--	6.6%	0.3%

These two line items support the operations of the Multi-County Branch Office. This office provides local indigent defense services to ten counties in the southern and southeastern part of Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington, with public defender offices located in Athens, Ross, and Washington counties. The Multi-County Branch Office was established in January 1991.

Under the executive budget, 60%, or \$3.0 million, of the line item's appropriation in each fiscal year is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), and another 33%, or \$1.6 million, is allocated for purchased personal services. The remainder in each fiscal year, 7%, or about \$348,000, is allocated, in order of magnitude for a mix of supplies and maintenance, and equipment.

Although the branch office systems operate as an alternative to traditional public defender offices and appointed counsel systems, these operations are still affected by changes in state funding just like the direct reimbursement systems. The GRF and non-GRF appropriations for the branch offices are generally structured to keep the reimbursement rates for the branch offices equal to the reimbursement rates expected for the other counties that are reimbursed from line items 019501, County Reimbursement, and 019618, Indigent Defense Support – County Share. These counties are expected to receive the same estimated reimbursement rate of between 70%-75% over the next two fiscal years. Since the branch offices are funded with different line items, adjustments are often made during any given fiscal year to the state share of the branch office appropriations to keep the reimbursement rates equal across all counties.

C2:4: Trumbull County Branch Office (ALIs 019404 and 019610)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
GRF ALI 019404, Trumbull County – State Share	\$672,023	\$1,349,330	\$1,358,754
% change	--	100.8%	0.7%
DPF Fund 4X70 ALI 019610, Trumbull County – County Share	\$924,395	\$505,999	\$509,533
% change	--	-45.3%	0.7%
Total	\$1,596,418	\$1,855,329	\$1,868,287
% change	--	16.2%	0.7%

These two line items support the Trumbull County branch office, established in FY 1985, which provides local indigent defense services for that county. The recommended appropriation for this branch office (GRF line item 019404 plus DPF line item 019610) totals around \$1.9 million annually.

Under the executive budget, almost 60%, or \$1.1 million, of the line item's appropriation in each fiscal year is allocated for personal services (wages, salaries, fringe benefits, and payroll checkoff charges), and another 35%, or about \$642,000 is allocated for purchased personal services. The remainder in each fiscal year, 5%, or about \$107,000, is allocated, in order of magnitude for a mix of supplies and maintenance, and equipment.

C2:5: Indigent Defense Support – County Share (ALI 019618)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5DY0 ALI 019618, Indigent Defense Support – County Share	\$32,868,000	\$31,872,000	\$31,872,000
% change	--	-3.0%	0.0%

This line item draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), and is used as part of the Commission's county reimbursement system. Fund 5DY0 consists of a mix of fines, fees, and court costs.

Under the executive budget, the combined amount of GRF and non-GRF appropriations (GRF line item 019501 plus DPF line item 019618) for county indigent defense reimbursement totals \$121.9 million in each of FY 2020 and FY 2021. The Commission estimates that this funding level will result in a county indigent defense reimbursement rate of between 70%-75% in each of FY 2020 and FY 2021. For the current FY 2018-FY 2019 biennium, the annual reimbursement is about 42%.

Category 3: Legal Assistance Foundation

The lone line item in this category is used to pass-through funding to the Ohio Legal Assistance Foundation (OLAF), a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies.⁸

C3:1: Civil Legal Aid (ALI 019606)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 5740 ALI 019606, Civil Legal Aid	\$17,760,020	\$25,000,000	\$25,000,000
% change	--	40.8%	0.0%

This item supports the state's legal aid societies. Of each year's appropriation, \$19.5 million is allocated for distribution by OLAF to legal aid societies in Ohio, which collectively serve all 88 counties. These funds are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population.

Of the remainder in each fiscal year, \$5.5 million is set aside by OLAF as a pool of discretionary funds to address emerging civil legal needs and gaps in the legal services provided by Ohio's legal aid to low-income and vulnerable populations. Around \$5,000 in each fiscal year is to be retained by the Commission for its administrative costs.

The money for these purposes is appropriated from the Civil Legal Aid Fund (Fund 5740), which consists of: (1) interest generated on lawyer and title insurance trust accounts, and (2) additional filing fees collected on certain new civil actions and proceedings. The interest revenues fluctuate, as they are sensitive to changes in the Federal Funds rate, as well as the savings rate which is tied to the former.

Category 4: Program Management

The Program Management category includes the services and activities performed by the Commission's Administrative Division, which provides the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, and delivery. The Division also provides certain required services: collecting reimbursement from the counties for legal services provided by the Ohio Public Defender, processing reimbursement to the counties for indigent defense programs, and producing educational seminars and conferences.

The recommended amounts are likely to be sufficient to maintain the current level of program management services, including personal services expenses (wages, salaries, fringe benefits, and payroll checkoff charges) for 23.0 FTE staff positions.

⁸ The Foundation, established by 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.

C4:1: Training and Publications (ALI 019603)

Fund/ALI	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
DPF Fund 4060 ALI 019603, Training and Publications	\$25,000	\$25,000	\$25,000
% change	--	0.0%	0.0%

This line item supports training and educational programs for attorneys and others involved with the legal representation of indigent persons. The line item is supported by money appropriated from the Training and Publications Fund (Fund 4060). The money is expected to be generated from a nominal fee that the Commission plans to charge attendees of its training and educational programs.

Line items shared with State Legal Defense Services

As noted, under the executive budget, Program Management and State Legal Defense Services will share the funding appropriated to three line items used by the Commission. Table 2 below summarizes the FY 2020-FY 2021 biennial funding for those three line items and the amounts that are allocated between Program Management and State Legal Defense Services.

Table 2. Program Management Allocations from Line Items Shared with State Legal Defense Services, FY 2020-FY 2021

Fund Group/Line Item	Line Item Name	Total Biennial Appropriation	Program Management Allocation	State Legal Defense Services Allocation
GRF/019401	State Legal Defense Services	\$9,713,840	\$1,743,221	\$7,970,619
DPF/019605	Client Payments	\$1,453,220	\$382,071	\$1,071,149
DPF/019619	Indigent Defense Support – State Office	\$14,330,334	\$7,016,827	\$7,313,507
Total		\$25,497,394	\$9,142,119	\$16,355,275

Facts and figures

County-level indigent defense caseloads

Table 3 below displays a breakdown of the total number of indigent defense cases that were closed annually from FY 2012 through FY 2018, along with the estimated total number of indigent cases to be closed annually from FY 2019 through FY 2021. That breakdown shows closed cases that were directly handled by counties in some manner (the “Appointed Counsel,” “Public Defender,” and “Death Penalty” columns in the table below) and closed cases that were handled by the state in the form of the Office of the Ohio Public Defender Commission (the “Multi-County” and “Trumbull County” columns in the table below).

Table 3. County-Level Indigent Defense Closed Cases Subject to State Reimbursement & Branch Office Caseloads						
Fiscal Year	Appointed Counsel	Public Defender	Death Penalty	Multi-County	Trumbull County	Total Cases
2012	115,715	273,398	96	12,460	6,146	407,815
2013	115,801	254,878	91	13,615	5,585	389,970
2014	117,561	250,407	65	13,067	6,226	387,326
2015	118,331	250,021	67	13,279	6,709	388,407
2016*	139,208	244,914	195	14,127	6,455	404,899
2017	151,798	256,984	217	14,332	6,352	429,683
2018	156,845	262,124	255	14,986	6,847	441,057
2019**	159,982	267,366	260	15,285	6,984	449,877
2020**	163,181	272,714	273	15,591	7,124	458,883
2021**	166,445	278,168	287	15,903	7,266	468,069

*Beginning in FY 2016, because of a change in processing, the Commission began counting appointed counsel volume by certificate count instead of case count. Moreover, there may be multiple certificates submitted per case. Frequently, multiple attorneys are appointed to a single case, particularly in juvenile court cases, therefore counting on a case basis may underrepresent the actual volume of work.

**The data associated with FY 2019 through FY 2021 are estimates.

Relative to Table 3 above, the caseload data for the period covering FY 2012 through FY 2018 include the following highlights:

- The number of indigent defense cases closed annually by counties and the Office of the Ohio Public Defender combined increased by 33,242, or 8.2%, from 407,815 to 441,057.
- The number of indigent defense cases closed annually by counties (appointed counsel + public defender + death penalty) increased by 30,015, or 7.7%, from 389,209 to 419,224.
- The number of indigent defense cases closed annually by the Ohio Public Defender (Multi-County + Trumbull County) increased by 3,227, or 17.3%, from 18,606 to 21,833.

Cost of county-level indigent defense services

Table 4 below displays a breakdown of the total annual costs to counties and the Ohio Public Defender for the provision of trial-level indigent defense services from FY 2012 through FY 2018, and projected from FY 2019 through FY 2021. That breakdown shows the costs associated with indigent defense cases that were directly handled by counties in some manner (the “Non-Capital Cases” and “Capital Cases” columns in the table below) and the costs associated with indigent defense cases handled by the state in the form of the Office of the Ohio Public Defender (the “Multi-County” and “Trumbull County” columns in the table below).

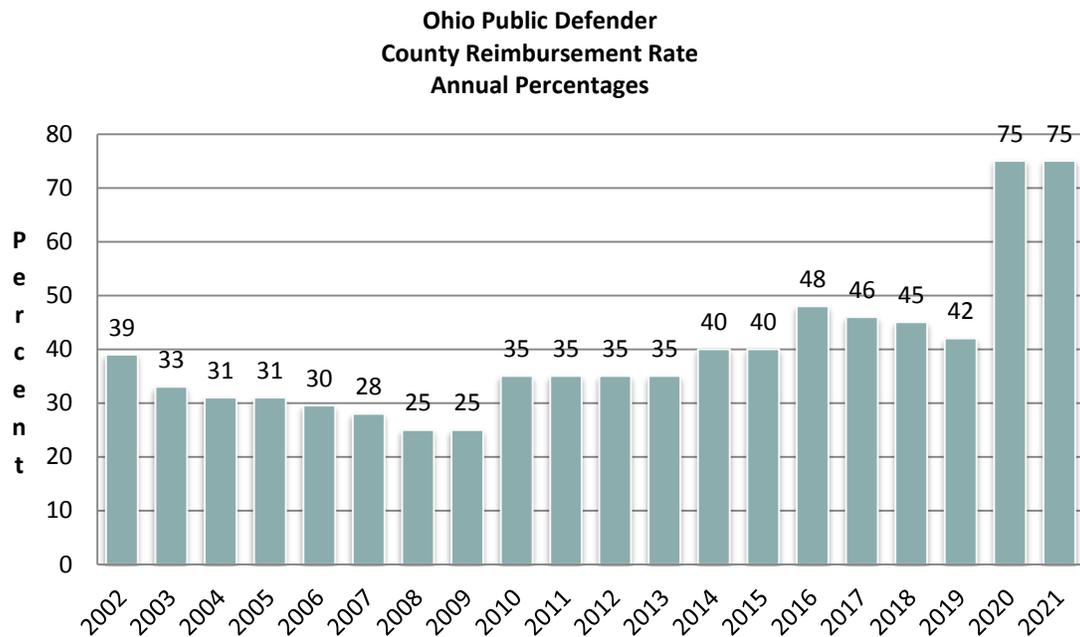
Table 4. County-Level Indigent Defense Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cost
2012	\$110,326,881	\$2,143,217	\$3,339,116	\$959,909	\$116,769,123
2013	\$108,458,776	\$1,857,103	\$3,352,517	\$973,849	\$114,642,245
2014	\$111,425,483	\$1,414,987	\$3,545,119	\$1,023,283	\$117,408,872
2015	\$120,777,380	\$2,019,126	\$3,655,017	\$1,040,930	\$127,492,453
2016	\$124,131,305	\$1,237,308	\$3,916,485	\$1,090,511	\$130,375,609
2017	\$130,934,740	\$1,547,629	\$4,181,322	\$1,137,957	\$137,801,648
2018	\$139,049,707	\$1,874,699	\$4,041,408	\$1,188,367	\$146,154,181
2019	\$142,043,532	\$2,600,000	\$4,214,285	\$1,586,238	\$150,444,055
2020	\$147,200,000	\$2,800,000	\$4,474,935	\$1,676,662	\$156,151,597
2021	\$153,000,000	\$3,000,000	\$4,507,129	\$1,686,442	\$162,193,571

Relative to Table 4 above, the cost data for the period covering FY 2012 through FY 2018 include the following highlights:

- The annual cost to counties of providing indigent defense services (Non-Capital Cases + Capital Cases) increased by \$28.4 million, or 25.2%, from \$112.5 million to \$140.9 million.
- The annual cost to the Ohio Public Defender of providing trial-level indigent defense services (Multi-County + Trumbull County) increased by \$0.9 million, or 20.9%, from \$4.3 million to \$5.2 million.

County indigent defense reimbursement rate

The chart below captures the Commission's annual county indigent defense reimbursement rate from FY 2002 through FY 2019, and projected for FY 2020 and FY 2021. In FY 2002 the rate was at 39%. The Commission's annual county reimbursement rate continued to decline to a low of 25% in FY 2008 and FY 2009. Subsequently enacted non-GRF funding revenue-generating mechanisms pushed the reimbursement rate up to 35% in FY 2010 through FY 2013. The executive recommended funding for indigent defense services is expected to provide for an estimated reimbursement rate of 70%-75% in both FY 2020 and FY 2021. The projected increase in the reimbursement rate for the next biennium is due to an increase of more than \$60 million in GRF funding in each fiscal year.



Pursuant to the Ohio Public Defender Law enacted in 1976, the state was required to reimburse counties for 50% of the costs associated with the provision of legal counsel to indigents. Effective July 1, 1979, pursuant to H.B. 204 of the 113th General Assembly, the provision was amended to state that, if the amount appropriated by the General Assembly in any fiscal year is insufficient to pay 50% of the costs associated with the provision of legal counsel to indigents, the amount of money paid is to be reduced proportionately so that each county is paid an equal percentage of its total costs. FY 1991 was the last time the Commission was able to reimburse counties for 50% of their indigent defense costs.

Temporary law in H.B. 166 of the 133rd General Assembly, provides that notwithstanding any provision of law to the contrary, if the amount of money appropriated by the General Assembly in FY 2020 or FY 2021 to reimburse counties for the provision of indigent defense services, including the costs and expenses of conducting the defense in capital cases, is sufficient, the Ohio Public Defender may exceed 50% contribution of the total costs and expenses that are reimbursable for the operation of those offices and systems.

Ohio Public Defender Commission

General Revenue Fund

GRF 019401 State Legal Defense Services

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$3,267,564	\$3,386,026	\$3,778,343	\$4,159,081	\$4,679,317	\$5,034,523
% change	3.6%	11.6%	10.1%	12.5%	7.6%

Source: General Revenue Fund

Legal Basis: Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 215 of the 122nd G.A.)

Purpose: This line item is used to fund the Public Defender Commission's operating expenses, primarily those associated with departments in the Trial Services and Appellate Services divisions, and secondarily the Administrative Division.

GRF 019403 Multi-County: State Share

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$1,841,726	\$1,850,905	\$1,794,829	\$1,974,091	\$3,607,498	\$3,618,503
% change	0.5%	-3.0%	10.0%	82.7%	0.3%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.06, and 120.33; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item is used to fund the state's share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state 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. Each county's contribution to the program is deposited into Fund 4C70 and appropriated to line item 019601, Multi-County: County Share. The funding split between the state and county shares is the same as it is for the Public Defender Commission's 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 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$517,171	\$517,626	\$531,710	\$672,023	\$1,349,330	\$1,358,754
% change	0.1%	2.7%	26.4%	100.8%	0.7%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.06, and 120.33; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used to fund the state's share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The local share of the office is deposited into Fund 4X70 and appropriated to line item 019610, Trumbull County - County Share. The funding split between the state and local shares is the same as it is for the Public Defender Commission's statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

GRF 019405 Training Account

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$43,550	\$34,215	\$30,475	\$50,000	\$50,000	\$50,000
% change	-21.4%	-10.9%	64.1%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: ORC 120.03; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 171 of the 117th G.A.)

Purpose: This line item is used to fund the Public Defender 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.

GRF 019501 County Reimbursement

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$21,813,038	\$21,944,819	\$30,237,220	\$31,188,211	\$90,000,000	\$90,000,000
% change	0.6%	37.8%	3.1%	188.6%	0.0%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 164 of the 111th G.A.)

Purpose: This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for up to 50% of their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

Ohio Public Defender Commission

Dedicated Purpose Fund Group

1010 019607 Juvenile Legal Assistance

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$217,355	\$181,459	\$202,985	\$208,153	\$204,756	\$204,756
% change	-16.5%	11.9%	2.5%	-1.6%	0.0%

Source: Dedicated Purpose Fund Group: Cash transferred from the Ohio Department of Youth Services's operating budget pursuant to an interdepartmental agreement

Legal Basis: Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on August 16, 1993)

Purpose: This line item is used by the Public Defender Commission's Juvenile Division for costs incurred to provide certain legal representation and assistance services to juveniles committed to the Ohio Department of Youth Services.

4060 019603 Training and Publications

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$0	\$26,655	\$25,000	\$25,000	\$25,000	\$25,000
% change	N/A	-6.2%	0.0%	0.0%	0.0%

Source: Dedicated Purpose Fund Group: Educational seminar fees and publication sales

Legal Basis: As needed line item; ORC 120.03 (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used for costs incurred to conduct training and education programs for attorneys and others in the legal representation of indigent persons.

4070 019604 County Representation

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$326,981	\$325,476	\$267,105	\$195,500	\$280,407	\$285,000
% change	-0.5%	-17.9%	-26.8%	43.4%	1.6%

Source: Dedicated Purpose Fund Group: Funds paid by counties that have requested the State Public Defender provide counsel in local cases

Legal Basis: ORC 120.06; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used by the State Public Defender for costs incurred to provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender.

Ohio Public Defender Commission

4080 019605 Client Payments

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$968,100	\$855,759	\$683,696	\$695,389	\$715,831	\$737,389
% change	-11.6%	-20.1%	1.7%	2.9%	3.0%

Source: Dedicated Purpose Fund Group: (1) Money recouped 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, and (2) 20%, or \$5, of a non-refundable \$25 indigent defense application fee assessed a defendant in a criminal case when requesting indigent defense services

Legal Basis: ORC 120.04 and 120.36; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 291 of the 115th G.A.)

Purpose: This line item is used for the Public Defender Commission's operating expenses.

4C70 019601 Multi-County: County Share

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$2,045,903	\$2,264,582	\$2,184,628	\$2,680,202	\$1,352,812	\$1,356,939
% change	10.7%	-3.5%	22.7%	-49.5%	0.3%

Source: Dedicated Purpose Fund Group: Contract payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Multi-County Branch Office Program

Legal Basis: ORC 120.04 and 120.33; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item is used to fund the local share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state 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. The state share is drawn from the Public Defender 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 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 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$15,519	\$8,815	\$17,684	\$19,440	\$19,440	\$19,440
% change	-43.2%	100.6%	9.9%	0.0%	0.0%

Source: Dedicated Purpose Fund Group: Grants, donations, and awards from public and private sources that the Commission has received for specific purposes

Legal Basis: ORC 120.04; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on June 1, 1994)

Purpose: Money credited to the fund consists of an annual gift from The Ohio State University Moritz College of Law for the Public Defender Commission's Wrongful Conviction Project. This project addresses claims of innocence where biological evidence (DNA) was not available.

4X70 019610 Trumbull County - County Share

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$573,840	\$616,499	\$646,004	\$924,395	\$505,999	\$509,533
% change	7.4%	4.8%	43.1%	-45.3%	0.7%

Source: Dedicated Purpose Fund Group: Contract payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

Legal Basis: ORC 120.04 and 120.33; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 215 of the 122nd G.A.)

Purpose: This line item is used to fund the local share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The state's share is drawn from the Public Defender Commission's GRF line item 019404, Trumbull County - State Share. The funding split between the state and local shares is the same as it is for the Commission's 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 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$15,123,770	\$16,178,343	\$17,993,164	\$17,760,020	\$25,000,000	\$25,000,000
% change	7.0%	11.2%	-1.3%	40.8%	0.0%

Source: Dedicated Purpose Fund Group: (1) Interest generated on lawyer's trust accounts (IOLTAs) and title insurance trust accounts (IOTAs), (2) additional filing fees collected by municipal, county, and common pleas courts on certain new civil actions or proceedings, and (3) investment earnings

Legal Basis: ORC 120.52; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by S.B. 219 of the 115th G.A.)

Purpose: The money appropriated to this line item is distributed to the Ohio Legal Assistance Foundation (OLAF), a nonprofit entity that makes distributions and grants to Ohio's nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. Most of the money is then distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. OLAF is permitted to set aside 15% of the money, which it does as a pool of discretionary funds to address emerging civil legal needs and gaps in the legal services provided by Ohio's legal aid to low-income and vulnerable populations.

5CX0 019617 Civil Case Filing Fee

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$343,678	\$440,978	\$517,148	\$541,222	\$623,425	\$642,904
% change	28.3%	17.3%	4.7%	15.2%	3.1%

Source: Dedicated Purpose Fund Group: 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in certain new civil actions or proceedings; remainder of the filing fees, or 96%, credited to the state's Legal Aid Fund (Fund 5740)

Legal Basis: ORC 120.07, 1901.26, 1907.24, and 2303.201; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by H.B. 66 of the 126th G.A.)

Purpose: This line item is used to fund operating expenses of the Public Defender Commission.

Ohio Public Defender Commission

5DY0 019618 Indigent Defense Support - County Share

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$36,501,225	\$40,127,591	\$32,830,022	\$32,868,000	\$31,872,000	\$31,872,000
% change	9.9%	-18.2%	0.1%	-3.0%	0.0%

- Source:** Dedicated Purpose Fund Group: (1) Designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) \$5 of an additional \$10 in court costs for moving violations, (3) 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, (4) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (5) designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (6) a \$25 bail bond surcharge
- Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by S.B. 209 of the 127th G.A.)
- Purpose:** This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for up to 50% of their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

5DY0 019619 Indigent Defense Support - State Office

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$5,003,934	\$5,572,874	\$6,143,962	\$7,012,874	\$7,113,482	\$7,216,852
% change	11.4%	10.2%	14.1%	1.4%	1.5%

- Source:** Dedicated Purpose Fund Group: Shares sources of revenue noted in the preceding entry for the Commission's DPF Fund 5DY0, line item 019618, Indigent Defense Support - County Share
- Legal Basis:** ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by S.B. 209 of the 127th G.A.)
- Purpose:** This line item is used to fund operating expenses of the Public Defender Commission.

Ohio Public Defender Commission

Federal Fund Group

3GJ0 019622 Byrne Memorial Grant

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$30,349	\$28,131	\$7,546	\$2,784	\$0	\$0
% change	-7.3%	-73.2%	-63.1%	-100%	N/A

Source: Federal Fund Group: CFDA 16.738, Edward Byrne Memorial Justice Assistance Grant Program

Legal Basis: Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on January 27, 2014)

Purpose: This line item is being used to expend federal grants awarded by the state's Office of Criminal Justice Services, the purpose of which is to reimburse the Office of the State Public Defender for expenditures related to reducing offender recidivism in Athens, Pike, and Meigs counties.

3S80 019608 Federal Representation

FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate	FY 2020 Introduced	FY 2021 Introduced
\$44,202	\$165,802	\$30,115	\$38,315	\$38,315	\$38,315
% change	275.1%	-81.8%	27.2%	0.0%	0.0%

Source: Federal Fund Group: Payments collected from a federal court when it has appointed the State Public Defender to provide legal representation to an indigent defendant in a federal trial or in a federal habeas corpus proceeding, primarily matters involving the death penalty

Legal Basis: Section 371.10 of H.B. 49 of the 132nd G.A. (originally established by Controlling Board on March 2, 1998)

Purpose: This line item is used by the Public Defender Commission's Death Penalty Department 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.

FY 2020 - FY 2021 Appropriations - As Introduced

All Fund Groups

Line Item Detail by Agency			Estimate	Introduced	FY 2019 to FY 2020	Introduced	FY 2020 to FY 2021	
			FY 2018	FY 2019	FY 2020	% Change	FY 2021	% Change
Report For: Main Operating Appropriations Bill			Version: As Introduced					
PUB Ohio Public Defender Commission								
GRF	019401	State Legal Defense Services	\$ 3,778,343	\$ 4,159,081	\$ 4,679,317	12.51%	\$ 5,034,523	7.59%
GRF	019403	Multi-County: State Share	\$ 1,794,829	\$ 1,974,091	\$ 3,607,498	82.74%	\$ 3,618,503	0.31%
GRF	019404	Trumbull County - State Share	\$ 531,710	\$ 672,023	\$ 1,349,330	100.79%	\$ 1,358,754	0.70%
GRF	019405	Training Account	\$ 30,475	\$ 50,000	\$ 50,000	0.00%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 30,237,220	\$ 31,188,211	\$ 90,000,000	188.57%	\$ 90,000,000	0.00%
General Revenue Fund Total			\$ 36,372,578	\$ 38,043,406	\$ 99,686,145	162.03%	\$ 100,061,780	0.38%
1010	019607	Juvenile Legal Assistance	\$ 202,985	\$ 208,153	\$ 204,756	-1.63%	\$ 204,756	0.00%
4060	019603	Training and Publications	\$ 25,000	\$ 25,000	\$ 25,000	0.00%	\$ 25,000	0.00%
4070	019604	County Representation	\$ 267,105	\$ 195,500	\$ 280,407	43.43%	\$ 285,000	1.64%
4080	019605	Client Payments	\$ 683,696	\$ 695,389	\$ 715,831	2.94%	\$ 737,389	3.01%
4C70	019601	Multi-County: County Share	\$ 2,184,628	\$ 2,680,202	\$ 1,352,812	-49.53%	\$ 1,356,939	0.31%
4N90	019613	Gifts and Grants	\$ 17,684	\$ 19,440	\$ 19,440	0.00%	\$ 19,440	0.00%
4X70	019610	Trumbull County - County Share	\$ 646,004	\$ 924,395	\$ 505,999	-45.26%	\$ 509,533	0.70%
5740	019606	Civil Legal Aid	\$ 17,993,164	\$ 17,760,020	\$ 25,000,000	40.77%	\$ 25,000,000	0.00%
5CX0	019617	Civil Case Filing Fee	\$ 517,148	\$ 541,222	\$ 623,425	15.19%	\$ 642,904	3.12%
5DY0	019618	Indigent Defense Support - County Share	\$ 32,830,022	\$ 32,868,000	\$ 31,872,000	-3.03%	\$ 31,872,000	0.00%
5DY0	019619	Indigent Defense Support - State Office	\$ 6,143,962	\$ 7,012,874	\$ 7,113,482	1.43%	\$ 7,216,852	1.45%
Dedicated Purpose Fund Group Total			\$ 61,511,397	\$ 62,930,195	\$ 67,713,152	7.60%	\$ 67,869,813	0.23%
3GJ0	019622	Byrne Memorial Grant	\$ 7,546	\$ 2,784	\$ 0	-100.00%	\$ 0	N/A
3S80	019608	Federal Representation	\$ 30,115	\$ 38,315	\$ 38,315	0.00%	\$ 38,315	0.00%
Federal Fund Group Total			\$ 37,662	\$ 41,099	\$ 38,315	-6.77%	\$ 38,315	0.00%
Ohio Public Defender Commission Total			\$ 97,921,636	\$ 101,014,700	\$ 167,437,612	65.76%	\$ 167,969,908	0.32%