

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 345**

**Senator Peterson**

---

**A BILL**

To enact sections 109.67, 120.56, 127.20, 307.451, 1  
and 307.452 of the Revised Code to allow the 2  
Controlling Board to transfer money to the 3  
Attorney General and State Public Defender to 4  
defray county costs associated with certain 5  
capital cases. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.67, 120.56, 127.20, 307.451, 7  
and 307.452 of the Revised Code be enacted to read as follows: 8

Sec. 109.67. There is hereby created in the state treasury 9  
the capital case extraordinary prosecution cost fund. The fund 10  
shall consist of transfers under section 127.20 of the Revised 11  
Code and any other funds appropriated by the general assembly. 12  
The fund shall be administered by the attorney general. 13

Following controlling board approval and transfer of funds 14  
pursuant to a joint request under section 127.20 of the Revised 15  
Code, the attorney general shall distribute money in the fund to 16  
the county upon request for the prosecution costs. If the 17  
prosecution costs incurred exceed the funds appropriated, 18  
another joint request may be made for additional funds under 19

section 127.20 of the Revised Code. 20

Sec. 120.56. There is hereby created in the state treasury 21  
the capital case extraordinary defense cost fund. The fund shall 22  
consist of transfers under section 127.20 of the Revised Code 23  
and any other funds appropriated by the general assembly. The 24  
fund shall be administered by the state public defender. 25

Following controlling board approval and transfer of funds 26  
pursuant to a joint request under section 127.20 of the Revised 27  
Code, the state public defender shall distribute money in the 28  
fund to pay bills as submitted for the defense costs after 29  
approval by the court. If the defense costs exceed the funds 30  
appropriated, a joint request may be made for additional funds 31  
under section 127.20 of the Revised Code. If no additional funds 32  
are appropriated, the county shall be responsible for all 33  
defense costs as otherwise provided in the Revised Code in 34  
excess of the funds appropriated and shall pay those costs in 35  
accordance with section 120.33 of the Revised Code as 36  
applicable. 37

Sec. 127.20. (A) Upon joint request of the attorney 38  
general and the state public defender, notwithstanding division 39  
(D) of section 127.14 of the Revised Code, the controlling board 40  
may transfer funds from the unencumbered balance of the general 41  
revenue fund to the capital case extraordinary prosecution cost 42  
fund created under section 109.67 of the Revised Code or the 43  
capital case extraordinary defense cost fund created under 44  
section 120.56 of the Revised Code. 45

(B) The attorney general and state public defender shall 46  
specify the following in a joint request: 47

(1) An estimate of prosecution and defense costs, 48

including the costs of trial and post-conviction and appeals 49  
costs; 50

(2) The necessity for extraordinary funding in the capital 51  
case for which the joint request is submitted. 52

(C) The controlling board may transfer funds under this 53  
section for capital cases in which there are multiple defendants 54  
or multiple victims only. 55

**Sec. 307.451.** A board of county commissioners that wishes 56  
to receive money from the attorney general under section 109.67 57  
of the Revised Code or from the state public defender under 58  
section 120.56 of the Revised Code shall submit a request in 59  
writing to the attorney general or state public defender that 60  
demonstrates to the attorney general or state public defender 61  
the county's financial or judicial hardship in providing 62  
prosecution or defense in the instance of a capital case in 63  
which there are multiple defendants or multiple victims. 64

**Sec. 307.452.** A board of county commissioners that 65  
receives money from the attorney general under section 109.67 of 66  
the Revised Code shall: 67

(A) Establish a capital case extraordinary cost special 68  
fund in the county treasury to consist of money received under 69  
section 109.67 of the Revised Code; 70

(B) Adopt a resolution authorizing use of the money to 71  
defray the prosecution costs specified, and for the capital case 72  
identified, in the joint request submitted under section 127.20 73  
of the Revised Code; 74

(C) Return to the director of budget and management any 75  
unused money remaining upon the conclusion of the capital case 76  
identified in the joint request. The director shall deposit the 77

returned money into the state treasury to the credit of the  
general revenue fund.

78

79