

As Introduced

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

H. B. No. 781

Representative Wilkin

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.

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