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House Finance Subcommittee on Public Safety
House Bill 33 – Proponent Testimony

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Chairman Miller, Ranking Member Miller, and members of the House Finance Subcommittee on Public Safety thank you for the opportunity to present testimony today on House Bill 33. My name is Kyle Petty and I am the Managing Director of Policy at the County Commissioners Association of Ohio.

I am here today to speak on behalf of CCAO and convey our support for several key state-county partnerships included in House Bill 33 that have the ability to strengthen all 88 counties and the state alike.

Counties provide a variety of services to citizens at the local level. Justice and public safety services are perhaps the most important and often consume over 60% of a county's budget. These services include the operation of a county jail, providing counsel to indigent defendants, 9-1-1 answering operations, and others. We are pleased to see HB 33 contain support for many of these important areas and would like to elaborate on their importance to county governments.

INDIGENT DEFENSE

The landmark U.S. Supreme Court case of *Gideon v. Wainwright* held that the state is responsible for providing legal counsel to criminal defendants who are unable to afford their own attorney and due to that circumstance, are determined to be indigent. The State of Ohio decided that counties should operate the indigent defense system and would be reimbursed for the costs of providing services to defendants. For many years, this system was underfunded, and the cost was disproportionately shared by the county, with the state only reimbursing a fraction of the county's actual costs.

However, Governor DeWine, along with the 134th General Assembly, provided historic levels of funding to attempt to fully reimburse the indigent defense costs borne by counties. As a result of this funding increase, counties were fully reimbursed for their costs in FY 22. During FY 22 and 23, counties began experiencing difficulty in finding



attorneys to perform indigent defense services, particularly in the rural parts of the state, including my home county. Counties are forced to pay higher fees to convince attorneys to work in their county and this unanticipated cost increase resulted in counties being reimbursed at an average rate of 80% for FY 23.

CCAO is supportive of the additional funding for indigent defense reimbursement that is contained in HB 33. The funding will hopefully provide full funding for the costs borne by counties to operate the state's indigent defense system. However, given the fiscal uncertainty of our current indigent defense model, additional funding beyond what is included in HB 33 may be necessary. To that end, CCAO would respectfully ask that this committee support a statutory change that requires the state to fully fund indigent defense services to counties. Last, we would also support a pilot program where the state takes over the operation of indigent defense in a number of counties.

FUNDING FOR JAIL CONSTRUCTION AND RENNOVATION

County jails are an integral part of the criminal justice system, and their operation consumes a significant portion of a county's general revenue fund. The cost to operate a county jail is on the rise, in part due to the fact that many county jails are outdated and not capable to handle the current type of inmate that is being sent to jail.

For example, 32 of our 90 county jails were opened prior to 1988 and two county jails date back to the 1880's. When looking at recent construction or renovation activity, only nineteen county jail facilities have been opened since 2000. The "ageing" of county jail facilities beyond their useful life presents real problems for the safety or not only the staff, but the inmates as well. Many jails are physically unable to provide the space to provide programming to reduce recidivism or substance abuse and/or mental health treatment.

CCAO is thankful for the \$50 million dollars allocated for jail construction and renovation in the previous capital budget and as a result, ODRC received over \$400 million worth of applications for jail projects across the state for this round of funding. That being said, we are supportive of the current \$50 million allocated for jail projects in the HB 33 and would welcome any additional funding for jail construction and renovation in excess of the current \$50 million allocation.

NEXT GENERATION 9-1-1

In addition to operation of the county jail, counties also provide public safety services through wireline and wireless 9-1-1 systems. Unfortunately, many of our local 9-1-1 systems are outdated and operate primarily through a landline-based system. Upgrades to the current 9-1-1 system require implementing a Next Generation 9-1-1 system. The Next Generation 9-1-1 (NG 9-1-1) system provides necessary upgrades to the existing 9-1-1 system to adapt to how people communicate today – largely through mobile and digital devices. NG 9-1-1 will move 9-1-1 technology and infrastructure to

digital, internet-protocol technology, improving speed and effectiveness, along with first responders' ability to save lives, protect property, and ensure their own safety.

CCAO is supportive of the nearly \$46 million dollars contained in HB 33 that would support counties' efforts to upgrade and connect to a NG 9-1-1 system. However, the upgrade is only half of the equation. Counties will need additional funding to operate this new system. CCAO supported HB 445 from the 134th General Assembly, which would enact a statewide user fee of 70 cents to fund 9-1-1 operation in the state. Over 70% of that revenue would flow to local governments for the continued operation of the NG 9-1-1 system. CCAO would support that proposal as an amendment to the budget and would encourage the committee to recommend its adoption to the full finance committee.

MARCS FUNDING

The state has committed a significant investment to upgrade the Multi-Agency Radio Communication System (MARCS) radio system to provide interoperability among local responders' communications equipment. One of the challenges to local governments wanting to utilize MARCS, however, is the cost-prohibitive monthly user fee the state currently charges local responders for use of the system.

Therefore, CCAO would like to express its support for the funding contained in HB 33 that would fully pay for the monthly subscription fees for entities that use the MARCS system. Full payment for the subscription fees will make MARCS a viable option for counties and other local governments' communication needs.

Thank you for your time and consideration. I would be happy to answer any questions you may have at this time.