

As Introduced

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H. B. No. 700

Representative Williams

To amend sections 117.01, 120.521, and 120.54 and
to enact sections 9.631 and 3129.07 of the
Revised Code to modify the membership of the
board of directors of the Ohio Access to Justice
Foundation and to prohibit the use of state
funds for certain purposes.

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

Section 1. That sections 117.01, 120.521, and 120.54 be
amended and sections 9.631 and 3129.07 of the Revised Code be
enacted to read as follows:

Sec. 9.631. Each person administering a state or local
public benefit, as defined in division (c) of section 411 of the
"Personal Responsibility and Work Opportunity Reconciliation Act
of 1996," 8 U.S.C. 1621(c), as amended, shall comply with that
section. This section does not apply when an individual applies
for a state or local public benefit described in division (b) of
that section or for a state or local public benefit for which
the Revised Code affirmatively provides eligibility for persons
described in division (a) of that section.

Sec. 117.01. As used in this chapter:

(A) "Color of office" means actually, purportedly, or

allegedly done under any law, ordinance, resolution, order, or 21
other pretension to official right, power, or authority. 22

(B) "Public accountant" means any person who is authorized 23
by Chapter 4701. of the Revised Code to use the designation of 24
certified public accountant or who was registered prior to 25
January 1, 1971, as a public accountant. 26

(C) "Public money" means any money received, collected by, 27
or due a public official under color of office, as well as any 28
money collected by any individual on behalf of a public office 29
or as a purported representative or agent of the public office. 30

"Public money" includes the money in the access to justice 31
foundation fund established under section 120.521 of the Revised 32
Code. 33

"Public money" does not include either of the following: 34

(1) Money or revenue earned by or from a person's 35
ownership, operation, or use of an asset, whether tangible or 36
intangible, that either in whole or in part was sold, was 37
leased, was licensed, was the granting of a franchise, or was 38
otherwise transferred or conveyed by a public office to the 39
person pursuant to an agreement, authorized by law, between the 40
person and the public office in which the public office received 41
consideration from the person for the asset that was sold, 42
leased, licensed, franchised, or otherwise transferred or 43
conveyed; 44

(2) With respect to the transfer described in Chapter 45
4313. of the Revised Code and the operation of the enterprise 46
acquisition project, revenues or receipts of or from the 47
enterprise acquisition project in the hands of the nonprofit 48
corporation formed under section 187.01 of the Revised Code or 49

of a nonprofit entity the sole member of which is that nonprofit 50
corporation, but does include any taxes collected on the 51
spiruous liquor sales and then due the department of taxation 52
and amounts then due to the state general revenue fund pursuant 53
to section 4301.12 of the Revised Code. As used in this 54
division, "enterprise acquisition project" has the meaning 55
defined in section 4313.01 of the Revised Code. 56

(D) "Public office" means any state agency, public 57
institution, political subdivision, other organized body, 58
office, agency, institution, or entity established by the laws 59
of this state for the exercise of any function of government. 60
"Public office" does not include the nonprofit corporation 61
formed under section 187.01 of the Revised Code. 62

(E) "Public official" means any officer, employee, or duly 63
authorized representative or agent of a public office. 64

(F) "State agency" means every organized body, office, 65
agency, institution, or other entity established by the laws of 66
the state for the exercise of any function of state government. 67

(G) "Audit" means any of the following: 68

(1) Any examination, analysis, or inspection of the 69
state's or a public office's financial statements or reports; 70

(2) Any examination, analysis, or inspection of records, 71
documents, books, or any other evidence relating to either of 72
the following: 73

(a) The collection, receipt, accounting, use, or 74
expenditure of public money by a public office or by a private 75
institution, association, board, or corporation; 76

(b) The determination by the auditor of state, as required 77

by section 117.11 of the Revised Code, of whether a public 78
office has complied with all the laws, rules, ordinances, or 79
orders pertaining to the public office. 80

(3) Any other type of examination, analysis, or inspection 81
of a public office, or of the specific funds or accounts of a 82
private institution, association, board, or corporation into 83
which public money has been placed or deposited, that is 84
conducted according to generally accepted or governmental 85
auditing standards established by rule pursuant to section 86
117.19 of the Revised Code. 87

(H) "Person" has the meaning defined in section 1.59 of 88
the Revised Code. 89

Sec. 120.521. (A) The state public defender shall 90
establish a charitable, tax exempt foundation, named the Ohio 91
access to justice foundation, to actively solicit and accept 92
gifts, bequests, donations, and contributions for use in 93
providing financial assistance to legal aid societies, enhancing 94
or improving the delivery of civil legal services to indigents, 95
and operating the foundation. The Ohio access to justice 96
foundation shall deposit all gifts, bequests, donations, and 97
contributions accepted by it into the access to justice 98
foundation fund established under this section. If the state 99
public defender, pursuant to section 120.52 of the Revised Code 100
as it existed prior to June 30, 1995, established a charitable, 101
tax exempt foundation named the Ohio access to justice 102
foundation and if that foundation is in existence on the day 103
before June 30, 1995, that foundation shall continue in 104
existence and shall serve as the Ohio access to justice 105
foundation described in this section. 106

(B) (1) There is hereby established the access to justice 107

foundation fund, which shall be under the custody and control of 108
the Ohio access to justice foundation. The fund shall contain 109
all moneys distributed to the Ohio access to justice foundation 110
pursuant to section 120.53 of the Revised Code and all gifts, 111
bequests, donations, and contributions accepted by the Ohio 112
access to justice foundation under this section. 113

(2) The Ohio access to justice foundation shall distribute 114
or use all moneys in the access to justice foundation fund for 115
the charitable public purpose of providing financial assistance 116
to legal aid societies that provide civil legal services to 117
indigents, enhancing or improving the delivery of civil legal 118
services to indigents, and operating the foundation. The Ohio 119
access to justice foundation shall establish rules governing the 120
administration of the access to justice foundation fund. 121

(3) The Ohio access to justice foundation shall not 122
distribute or use any money in the access to justice foundation 123
fund for the provision of legal services or assistance to any 124
individual who is unlawfully present in the United States. No 125
recipient of money from the access to justice foundation fund 126
shall use the money for that purpose. 127

(4) The Ohio access to justice foundation shall include, 128
in the annual report it is required to make to the governor, the 129
general assembly, and the supreme court pursuant to division (G) 130
(2) of section 120.53 of the Revised Code, an audited financial 131
statement on the distribution and use of the access to justice 132
foundation fund. No information contained in the statement shall 133
identify or enable the identification of any person served by a 134
legal aid society or in any way breach confidentiality. 135

(5) If the auditor of state determines, pursuant to an 136
audit conducted under section 117.10 of the Revised Code, that a 137

recipient of money from the access to justice foundation fund 138
has used any of that money for the provision of legal services 139
or assistance to any individual who is unlawfully present in the 140
United States, both of the following apply: 141

(a) The auditor of state shall include in the audit report 142
a finding for recovery of both of the following: 143

(i) The full amount of the money from the fund that was 144
used for that purpose; 145

(ii) Any additional amount of money the person received 146
from the fund on or after the first date on which the person 147
used any money from the fund for that purpose. 148

(b) The person is ineligible to receive any money from the 149
access to justice foundation fund, or to receive any grant of 150
state funds for any other reason, for a period of four years 151
after the date of the audit report. 152

(C) The board of directors of the Ohio access to justice 153
foundation shall include at least one voting member who is the 154
chief executive officer of a legal aid society. Membership on 155
the board of directors of the Ohio access to justice foundation 156
does not constitute holding another public office and does not 157
constitute grounds for resignation from the senate or house of 158
representatives under section 101.26 of the Revised Code. 159

(D) The Ohio access to justice foundation shall assist the 160
chancellor of higher education by determining the ratio, for 161
each county in the state, of attorneys to total population for 162
the purpose described in section 3333.132 of the Revised Code. 163

~~(B)~~ (E) A foundation is tax exempt for purposes of this 164
section if the foundation is exempt from federal income taxation 165
under subsection 501(a) of the "Internal Revenue Code of 1986," 166

100 Stat. 2085, 26 U.S.C. 501(a), as amended, and if the
foundation has received from the internal revenue service a
determination letter that is in effect stating that the
foundation is exempt from federal income taxation under that
subsection.

Sec. 120.54. (A) A legal aid society that receives
financial assistance from the legal aid fund under section
120.53 of the Revised Code shall use the financial assistance
for only the following purposes:

(1) To defray the costs of providing legal services to
indigents;

(2) To provide legal training and legal technical
assistance to other eligible legal aid societies; and

(3) If the legal aid society has entered into an agreement
pursuant to division (H) of section 120.53 of the Revised Code
and in accordance with the description and list of conditions
set forth in its application pursuant to division (B)(9) of that
section, to provide funds for the services, programs, training,
and legal technical assistance provided to the legal aid society
under the contract.

(B) No financial assistance received by a legal aid
society from the legal aid fund pursuant to section 120.53 of
the Revised Code shall be used for ~~the~~ any of the following:

(1) The provision of legal services in any criminal case
or proceeding ~~or in the~~;

(2) The provision of legal services or assistance to any
individual who is unlawfully present in the United States;

(3) The provision of legal assistance in any fee

generating case. 195

(C) If the auditor of state determines, pursuant to an 196
audit conducted under section 117.10 of the Revised Code, that a 197
legal aid society has used any financial assistance received 198
pursuant to section 120.53 of the Revised Code for the purpose 199
described in division (B) (2) of this section, both of the 200
following apply: 201

(1) The auditor of state shall include in the audit report 202
a finding for recovery of both of the following: 203

(a) The full amount of the financial assistance the legal 204
aid society used for the purpose described in division (B) (2) of 205
this section; 206

(b) Any additional amount of financial assistance the 207
legal aid society received pursuant to section 120.53 of the 208
Revised Code on or after the first date on which the legal aid 209
society used any financial assistance for the purpose described 210
in division (B) (2) of this section. 211

(2) The legal aid society is ineligible to receive any 212
financial assistance pursuant to section 120.53 of the Revised 213
Code, or to receive any grant of state funds for any other 214
reason, for a period of four years after the date of the audit 215
report. 216

Sec. 3129.07. (A) No state agency or other entity that 217
receives state funds shall provide any grants, loans, or other 218
services to any entity that uses federal, state, or local funds 219
to provide gender transition services to minors. 220

(B) If the auditor of state determines, pursuant to an 221
audit conducted under section 117.10 of the Revised Code, that 222
an entity that receives state funds has used federal, state, or 223

local funds to provide gender transition services to minors, 224
both of the following apply: 225

(1) The auditor of state shall include in the audit report 226
a finding for recovery of both of the following: 227

(a) The full amount of any state funds used to provide 228
gender transition services to minors; 229

(b) Any additional amount of state funds the entity 230
received on or after the first date on which the entity used any 231
federal, state, or local funds to provide gender transition 232
services to minors. 233

(2) The entity is ineligible to receive any state funds or 234
other state services for a period of four years after the date 235
of the audit report. 236

Section 2. That existing sections 117.01, 120.521, and 237
120.54 of the Revised Code are hereby repealed. 238