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**Representative John M. Rogers**

**60th House District**

**Representative Shane Wilkin**

**91st House District**

Chairman Dolan, Vice-chair Burke, Ranking Member Sykes, and members of the Senate Finance Committee, thank you for allowing me and Representative Wilkin the opportunity to provide sponsor testimony today on House Bill 85, legislation intended to assist counties facing financial difficulties when prosecuting certain capital offenses.

Each of Ohio’s 88 counties is charged with the responsibility of prosecuting violations of Ohio law on behalf of the state. While counties are an extension of State government, Ohio has a responsibility to ensure that a sound judicial system exists within our courts of law and equal justice is afforded to all. It is important to remember that the state is all-powerful. It can take away one’s liberty, which for some can be a lifetime. In the case of a capital offense, it alone has the authority to take one’s life.

The state’s charge then is to seek justice while protecting the rights of the parties involved, ensuring that those who that commit horrendous acts of violence are held accountable for their actions, while at the same time, providing a defense for the accused through legal representation at trial - when the accused cannot afford to do so on their own behalf. That is a fundamental right afforded only in criminal matters.

Prosecuting and defending complex criminal cases can be very costly, not only because of the circumstance involved in the litigation, but because of the rights we are charged with protecting and that which is at stake. Unfortunately, the financial demands that a community may face when having to deal with certain crimes can be cost prohibitive to say the least. This legislation, as proposed, stems from the murders of the Rhoden family members along with Hannah Gilley, committed in Pike County, three years ago.

HB85’s sole intent is to create a framework within the law that would provide Ohio’s counties with a means to petition the State for financial assistance when the costs of prosecuting and defending cases involve an offense that includes a capital specification, multiple defendant’s and/or victim/s. The ability to petition the State for this assistance would occur when the costs to prosecute these cases exceeds a threshold that would otherwise place the county in financial distress, if not threaten financial ruin.

Our legislation proposes that to be eligible for assistance, capital cases must include multiple victims and/or defendants with the associated costs of a trial exceeding five percent of a county’s budget for the year in which the case is prosecuted.  The assistance, if granted, would be available through the bills requested $4 million appropriation, monies allocated from the General Revenue Fund to the Controlling Board’s Emergency Purposes Fund. In the case of Pike County, a county with approximately 28,000 residents, this amount is the estimated figure necessary to cover the anticipated expenses related to the ongoing capital trial proceedings.

Both Representative Wilkin and I respectfully ask each of you for your support for this important legislation. We are happy to answer any questions of the committee at this time. Thank you.