
OFFICE OF PUBLIC DEFENDER

State Public Defender – reimbursement for indigent defense

- Requires the State Public Defender to reimburse 100% of the costs of indigent defense in counties that contract with the State Public Defender.
- Caps reimbursement from the state public defender to counties for indigent defense at an hourly rate not to exceed the greater of \$75 per hour or the rate established by the county as of April 1, 2023, pursuant to continuing law.

State Public Defender – parole hearings and private counsel

- Allows the State Public Defender to provide legal representation in full board hearings and parole eligibility hearings, unless the State Public Defender finds that the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person’s own counsel.
- Provides that if the State Public Defender determines that it does not have the capacity to provide the above legal representation, the State Public Defender may contract with private counsel to provide the above legal representation.
- Requires that if the State Public Defender contracts with private counsel to provide the above legal representation, the State Public Defender must directly pay private counsel’s legal fees and expenses from the Indigent Defense Support Fund.

State Public Defender – receipts from indigent defense contracts

- Diverts funds received by the State Public Defender for contracts with counties to provide indigent defense services from county share funds to the Indigent Defense Support Fund.

State Public Defender – reimbursement for indigent defense

(R.C. 120.04, 120.06, 120.08, 120.33, and 120.34; Section 371.10)

The bill requires the State Public Defender to prioritize reimbursement for the costs of indigent defense to counties that contract with the State Public Defender for indigent defense. Those counties that contract with the State Public Defender are reimbursed 100% of the cost of indigent defense before the remainder of reimbursement funds are allocated proportionally to counties that do not contract with the State Public Defender for indigent defense. Except for the 100% reimbursement in the bill, the State Public Defender must use at least 83% of the Indigent Defense Support Fund for the following purposes: (1) reimbursing county governments for specified expenses incurred (continuing law), (2) operating its system (continuing law), and (3) directly paying private counsel’s legal fees and expenses (see “**State Public Defender – parole hearings and private counsel,**” below).

Under continuing law, proportional disbursements from the fund to county governments must be made at least once a year and must be allocated so that each county

receives an equal percentage of its cost for operating its county public defender system, joint county public defender system, county appointed counsel system or for its costs in contracting with the State Public Defender for indigent defense. Under the bill, this proportional distribution is made to counties that do not contract with the State Public Defender for indigent defense from amounts remaining in the Indigent Defense Support Fund for county reimbursement after the 100% reimbursement of the cost of indigent defense for those counties that do contract with the State Public Defender for indigent defense.

The bill also caps county reimbursements for indigent defense at an hourly rate to be established by the General Assembly. For FYs 2024 and 2025, the bill caps the hourly rate at the greater of \$75 per hour or the indigent defense reimbursement rate established by the county under continuing law as of April 1, 2023. The bill states that the intent of the General Assembly is to stabilize costs while allowing the Task Force to Study Indigent Defense, established in H.B. 150 of the 134th General Assembly, to issue its report.

State Public Defender – parole hearings and private counsel

(R.C. 120.06 and 120.08)

The bill allows the State Public Defender to provide legal representation in full board hearings and parole eligibility hearings, unless the State Public Defender finds that the person subject to the full board hearing or parole eligibility hearing has the financial capacity to retain the person's own counsel. Current law requires the State Public Defender, when designated by the court or requested by the county public defender, joint county public defender, or the DRC Director, to provide legal representation in parole and probation revocation matters or matters relating to the revocation of community control or post-release control under a community control sanction or post-release control sanction, unless the State Public Defender finds that the alleged parole or probation violator or alleged violator of a community control sanction or post-release control sanction has the financial capacity to retain the alleged violator's own counsel.

The bill provides that if the State Public Defender decides to provide the above legal representation, but determines that it does not have the capacity to provide the above legal representation, the State Public Defender may contract with private counsel to provide it.

The bill specifies that if the State Public Defender contracts with private counsel to provide the above legal representation, the State Public Defender must directly pay private counsel's legal fees and expenses from the Indigent Defense Support Fund.

State Public Defender – receipts from indigent defense contracts

(R.C. 120.04 and 120.08)

The bill diverts the funds received by the State Public Defender for contracts with counties to provide indigent defense services to the Indigent Defense Support Fund. Under existing law, those funds are credited to either the multi-county: county share fund or, if received as a result of a contract with Trumbull County, the Trumbull County: County Share Fund; the bill strikes references to those county share funds in permanent law.

The bill also allows the State Public Defender to use up to 10% of any amount credited to the fund pursuant to a contract with a county government for indigent defense services, for purposes of providing administrative and other personnel, equipment, and facilities, necessary to support the state public defender office in that county or region.