

**Executive**

**As Passed By House**

**PUBCD7 OPD and Outside Counsel in Revocation Hearings**

**R.C. 120.06, 120.08**

Allows OPD to contract with private legal counsel to provide legal representation for parole, probation, community control, or post-release control revocation matters if OPD does not have the capacity to provide it.

Requires the costs be paid directly from Indigent Defense Support Fund (Fund 5DY0).

**Fiscal effect: Permissive; potential increase in contract expenditures from Fund 5DY0 if this new authority is utilized.**

**R.C. 120.06, 120.08**

Same as Executive.

Same as Executive.

**Fiscal effect: Same as Executive.**

**PUBCD1 State Legal Defense Services**

**Section: 371.20**

Earmarks up to \$50,000 in each fiscal year of GRF ALI 019401, State Legal Defense Services, to be used to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost, and state and county public defenders and attorneys who contract with OPD to provide indigent defense services.

**Section: 371.20**

Same as Executive.

**PUBCD2 County reimbursement - Indigent Defense Support**

**Section: 371.20**

Requires that GRF ALI 019501, County Reimbursement, be used to reimburse counties for the costs of operating county public defender offices, joint county public defender offices and county appointed counsel systems, the counties' costs and expenses of conducting the defense in capital cases, the counties' costs and expenses of appointed counsel, and any other costs to provide legal representation to indigent persons.

Caps reimbursement of county costs at an hourly rate not to exceed \$75 per hour, except in capital cases which are reimbursed at an hourly rate not to exceed \$140 per hour.

**Section: 371.20**

Same as the Executive.

Same as the Executive.

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**PUBCD4 County Indigent Defense Budgets**

**Section: 371.20**

Requires each county report biannual indigent defense cost projections for the next two upcoming state fiscal years to OPD, no later than July 31, 2026, and each biennium thereafter.

Requires the report to contain most current projected costs, and the next two fiscal years for their indigent defense fund.

**Section: 371.20**

Same as the Executive.

Same as the Executive.

**PUBCD5 Cash Transfer from the General Revenue Fund to the Legal Aid Fund**

**Section: 371.20**

Requires the OBM Director on July 1 of each fiscal year, to transfer \$1,000,000 cash from the GRF to the Legal Aid Fund (Fund 5740).

Requires that this cash be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies for the following:

(1) \$500,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders.

(2) \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans.

Prohibits any of the money to be used for administrative costs.

**Section: 371.20**

Same as Executive.

Same as Executive.

Same as Executive.

Same as Executive.

**PUBCD6 Federal Representation**

**Section: 371.20**

Requires that Fund 3S80 ALI 019608, Federal Representation, be used to support representation provided by OPD in federal cases.

**Section: 371.20**

Same as the Executive.

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**PUBCD8 Northwest Regional Hub pilot program**

**Section: 371.30**

Creates the Northwest Regional Hub pilot program to allow Allen, Hardin, and Putnam counties to participate in an alternative management system for indigent defense that is primarily managed by OPD, with a portion of cases managed by court-appointed counsel.

**Section: 371.30**

Same as the Executive.

Requires OPD to assume responsibility for representation of indigent persons to the extent that representation is not provided by outside counsel in accordance with R.C. 120.33 if a county elects to become part of the Northwest Regional Hub and transfer indigent defense services to OPD.

Same as the Executive.

Requires OPD to provide direct representation to indigent defendants in not more than 80% of indigent defense cases.

Same as the Executive.

Provides for withdrawal procedures for participating counties, including holding public meetings and providing notice to the local bar association, every judge serving in the county, county prosecutor, county public defender, and every attorney who is on the court's roster for appointment to provide indigent defense.

Same as the Executive.

Provides that when a county transfers indigent defense services to OPD and the transferring county operates a county public defender office at the time of the transfer, the employees of the transferring county public defender may be transferred to employees of the OPD as OPD determines necessary for successful implementation of the pilot, to the extent possible, with no loss of service credit.

Same as the Executive.

Authorizes the pilot to operate during the FY 2026-FY 2027 biennium.

Same as the Executive.

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As Passed By House

**PUBCD3 Northwest Regional Hub Support**

**Section: 371.30**

Requires that GRF ALI 019406, Northwest Regional Hub Support, be used by OPD to pay for costs of providing indigent defense services as part of the Northwest Regional Hub pilot program in Allen, Hardin, and Putnam counties.

**Section: 371.30**

Same as the Executive.

**PUBCD9 Task Force to Study Ohio's Indigent Defense System - abolishment**

No provision.

**Section: 630.10, (repeals Section 6 of H.B. 150 of the 134th G.A.)**

Abolishes the Task Force to Study Ohio's Indigent Defense System (originally established by Section 6 of H.B. 150 of the 134th G.A.)

**Fiscal effect: None; the task force was required to issue its recommendations to the General Assembly by April 3, 2024.**

## Executive

## As Passed By House

## AG OCD31 Public Records Law changes

R.C. 149.43

Creates an exemption under the Public Records Law for the following:

(1) "Specific investigatory work product" and defines it to include specific records developed during an investigation by the investigating officer, agent of an investigative agency, or prosecuting attorney.

(2) No provision.

(3) No provision.

(4) No provision.

No provision.

**Fiscal effect: Potential administrative cost savings for state and local agencies if certain documents are no longer required to be released as part of a public records request due to an exemption under the Public Records Law.**

R.C. 149.43

Same as the Executive, but with the following changes:

(1) Same as the Executive, but defines "specific investigatory work product" as information assembled by law enforcement officials in connection with a probable or pending criminal proceeding.

(2) "Attorney work product record," defined as a record (including any record that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning or reasoning of or for an attorney) created by or for an attorney in anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, public official, or public employee.

(3) A record created using assistive device or application when the record is used, maintained, and accessible only to the individual creating the record or causing the record to be created.

(4) The personal notes of a public official or public employee, or an attorney acting in an official capacity on behalf of the public official or public employee acting in their official capacity, which were created for reference and convenience and are used, maintained, and accessible only to the individual creating the record or causing the record to be created.

Clarifies that trial preparation records, which include any record that is not a confidential law enforcement investigatory record or attorney work product record, are exempt from the Public Records Law until after the conclusion of all direct appeals or, if no appeal is filed, at the expiration of the time during which an appeal may be filed.

**Fiscal effect: Same as the Executive.**

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As Passed By House

**AUDCD2 Performance Audits**

**Section: 223.20**

Requires that GRF ALI 070402, Performance Audits, be used to support costs for providing performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges, including certain costs not recoverable under federal guidelines.

No provision.

No provision.

No provision.

**Section: 223.20**

Same as the Executive.

Earmarks up to \$500,000 in FY 2026 under GRF ALI 070402, Performance Audits, to conduct a performance audit of indigent defense services within Ohio.

Requires the AOS to review the challenges of the delivery of indigent defense services, including, but not limited to the costs, accounting, and payment processes of the Office of the Ohio Public Defender and at least five counties that represent each of the various indigent defense delivery methods in the state.

Requires the audit to be completed and a report submitted to the President and Minority Leader of the Senate and to the Speaker and Minority Leader of the House of Representatives by August 1, 2026.