

PROVIDE 50 PERCENT REIMBURSEMENT FOR INDIGENT DEFENSE

A CCAO LEGISLATIVE PRIORITY



BACKGROUND

States have a constitutional obligation to provide counsel to indigent criminal defendants. Ohio opted to require counties to provide this service and initially committed to reimburse the counties for 50 percent of their cost.

The state modified this funding commitment by eliminating the mandatory 50 percent reimbursement requirement and replaced it with the concept of “proportional reduction.” Under this concept the state simply appropriates an amount for reimbursement and then proportionally reduces the reimbursement rate to counties based upon the amount of the appropriation and irrespective of the reimbursement percentage that results.

RESTORING THE REIMBURSEMENT RATE TO 50 PERCENT HAS BEEN A LEGISLATIVE PRIORITY FOR CCAO

During the last budget, the Ohio House of Representatives, with strong bipartisan support, increased general revenue funding for reimbursement to a level which they thought, at the time, would provide 50 percent reimbursement. However, because of extraordinary circumstances, higher-than-anticipated caseloads and a reduction to the non-GRF funding allocated to reimbursement from the Indigent Defense Support Fund, the goal was not obtained.

ACTION ITEMS

ENSURE FUNDING TO SUPPORT A 50 PERCENT REIMBURSEMENT RATE

We ask that language and funding be provided in the FY 18/19 state budget that guarantees counties will be reimbursed for “at least 50 percent” of their costs incurred for providing indigent counsel and removes the “proportional reduction” provisions from the law.

COVER ALL COSTS IN CAPITAL CASES

Legislation passed last year gives the Capital Case Attorney Fee Council, comprised of five sitting judges of the courts of appeals, the unilateral power to establish the rate counties must pay for lawyers who represent defendants in capital (death penalty) cases. As a result, counties are now confronted with an unfunded mandate. Consequently, the state should fully reimburse counties for their costs incurred in the provision of indigent counsel in capital cases.

