

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 120-1-10

Rule Type: Amendment

Rule Title/Tagline: Appointment systems and attorney qualifications.

Agency Name: Ohio Public Defender Commission

Division:

Address: 250 East Broad St. Suite 1400 Columbus OH 43215

Contact: Nicole Clum

Email: Nicole.Clum@opd.ohio.gov **Phone:** 614-466-5394

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 12/1/2020
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 111.15
4. What statute(s) grant rule writing authority? R.C. 120.03(B), R.C. 120.04(B)
5. What statute(s) does the rule implement or amplify? R.C. 120.03(B), R.C. 120.18(B), R.C. 120.28(B), R.C. 120.33(A)(4)
6. What are the reasons for proposing the rule?

The purpose of this amendment is to correct a drafting error. The rule was approved by the Ohio Public Defender Commission to provide guidance for practitioners, courts, and other professionals who provide representation to the indigent people of Ohio. The amendment pertains to those individuals representing defendants charged with felonies of the third degree.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule outlines the requirements attorneys must meet in order to qualify for appointment to cases. Qualifications are broken down by level of offense, charge, and jurisdiction. The amendment corrects a typographical error in 120-1-10(F) regarding qualification for representing an individual charged with a felony of the third degree. The amendment removes language that cites another section of the rule as the requirements are entirely delineated in section (F).

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

Not Applicable.

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**