

## 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:**

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#### 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), 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 provide rules approved by the Ohio Public Defender Commission on the qualifications of court appointed counsel in adult and juvenile postconviction cases, adult community control violation cases, and juvenile community control and supervised release cases.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This amendment adds to the rule the necessary qualifications of court appointed counsel in adult and juvenile postconviction cases, adult community control violation cases, and juvenile community control and supervised release cases. Court appointed counsel must meet these qualifications in order for the counties that appoint them to receive reimbursement from the Office of the Ohio Public Defender on the court appointed counsel fees.

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.

N/A

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**