

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. 111.15, 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 rule provides that in order to qualify for indigent defense reimbursement, the attorneys a county appoints as indigent defense counsel must meet certain training and experience requirements - based on the severity of the charges in a given case.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Under the proposed amendment, for purposes of reimbursement, the requirements for appointed counsel representing indigent defendants in death penalty cases will

align with the requirements of the Ohio Supreme Court's Commission on Appointment of Counsel in Capital Cases - which are detailed and thorough.

The proposed amendment also clarifies, for purposes of reimbursement, the training and experience required for attorneys representing indigent defendants in cases involving felony of the first and second charges and cases involving murder or life sentences that are not death penalty cases.

- 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. 121.75, 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. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

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**

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

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

17. 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
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable