



Ohio Revised Code

Section 120.34 Reimbursements exceeding appropriation - proportionate distribution of funds.

Effective: October 3, 2023

Legislation: House Bill 33

(A) Except as provided in division (D) of this section, the total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code for the reimbursement of the counties' cost 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, and the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems and for those appointed counsel costs and expenses, and shall be determined as specified in this section. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay the cost in the fiscal year of all county public defender offices, all joint county public defender offices, all county appointed counsel systems, and all costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code, the amount of money paid in that fiscal year pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code to each county for the fiscal year shall be reduced proportionately so that each county is paid an equal percentage of its cost in the fiscal year for operating its county public defender system, its joint county public defender system, and its county appointed counsel system, an equal percentage of its costs and expenses of conducting the defense in capital cases in the fiscal year, and an equal percentage of its costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code.

(B) If any county receives an amount of money pursuant to section 120.18, 120.28, 120.33, 120.35, or 2941.51 of the Revised Code that is in excess of the amount of reimbursement it is entitled to receive pursuant to this section, the state public defender shall request the board of county commissioners to return the excess payment and the board of county commissioners, upon receipt of the request, shall direct the appropriate county officer to return the excess payment to the state.

(C) Within thirty days of the end of each fiscal quarter, the state public defender shall provide to the



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office of budget and management and the legislative service commission an estimate of the amount of money that will be required for the balance of the fiscal year to make the payments required by sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code.

(D) No reimbursement shall be made under this section for costs of indigent defense to the extent that those costs exceed the hourly rate, if any, established by the general assembly.