

**SENATE BILL REPORT**

**SB 5072**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 7, 1991**

**Brief Description:** Reinstating the indigent defense task force.

**SPONSORS:** Senators Nelson, Rasmussen and Talmadge.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, L., Newhouse, Rasmussen, and Smith, A.

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** January 17, 1991

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

**Staff:** Mary Poole (786-7715)

**Hearing Dates:** March 6, 1991; March 7, 1991

**BACKGROUND:**

In 1988 the Legislature created the Indigent Defense Task Force to review the state's system of providing representation for indigent persons and make recommendations to the Legislature. As a result of the work of the task force the Legislature mandated in 1989 that courts make determinations of indigency for those requesting appointment of counsel at public expense, and that cities and counties adopt standards for the delivery of public defense services. The Legislature also extended the life of the task force through June 1990.

**SUMMARY:**

The Indigent Defense Task Force is reinstated through June 1994. The eleven members of the task force are appointed by the Governor, the Chief Justice, the President of the Senate, the Speaker of the House, the Washington State Bar Association, the Association of Counties, the Association of Washington Cities, and the Association of Prosecuting Attorneys.

An Office of Public Defense Services is created in the Department of Community Development to 1) assist local governments in meeting state requirements for defense of indigents, and 2) establish guidelines for distribution of funds for high-impact cases.

The Indigent Defense Task Force is to advise the Office of Public Defense Services in its provision of technical assistance and development of guidelines for distributing funds in high impact cases. The task force is also directed to work with the Legislature's Task Force on City and County Finances, review defense services in the state, and make recommendations on the provision of such services.

**EFFECT OF PROPOSED SUBSTITUTE:**

The appropriation of \$490,000 is removed, and the standard null and void clause is added, making the bill contingent on funding in the budget.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR (Law & Justice):**

Washington has the highest indigency rate in criminal cases of any state. Most county and municipal courts report that they have had difficulty complying with the requirements of 1989 legislation establishing screening and eligibility standards for indigent defense services. The continuation of the Indigent Defense Task Force and the creation of the Office of Public Defense Services will ensure necessary assistance to local communities in complying with constitutional and legislative requirements.

**TESTIMONY AGAINST (Law & Justice):** None

**TESTIFIED (Law & Justice):** Judge Philip Thompson; Robert Spangenberg; Richard Cease; Robert Boruchowitz (pro)

**TESTIMONY FOR (Ways & Means):**

The state has developed standards for indigent representation, but has had difficulty putting those standards into full use. We need to continue to oversee the process and make sure the standards are fully implemented.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** PRO: Judge Donald Eide, King County, Presiding District Court Judge; John Hill, Pierce County