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HOUSE BILL 1375

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Haugen, Chandler, Ferguson, Anderson, D. Sommers, Wynne, Moyer, Miller, Bowman, Pruitt, Dellwo and Rayburn.

Read first time January 28, 1991.                      Referred to Committee on Appropriations.

1            AN ACT Relating to county and state revenue responsibilities for  
2 defense costs; amending RCW 2.50.040, 2.50.050, 2.50.060, and 2.50.080;  
3 and adding a new section to chapter 2.50 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 2.50.040 and 1939 c 93 s 4 are each amended to read as  
6 follows:

7            The board of county commissioners (hereinafter called the county  
8 board) is empowered to find by resolution the existence of a necessity  
9 in such county for organized legal aid. Such resolution shall specify  
10 the amount of county funds, subject to section 5 of this act, thereby  
11 to be allocated for and expended in the operation of a legal aid bureau  
12 during the period of the fiscal year or the remainder thereof. Within  
13 ten days after the passage of such a resolution, the commissioners  
14 shall cause a certified copy to be transmitted to the board of

1 governors of the Washington State Bar Association (hereinafter called  
2 the bar board).

3       **Sec. 2.** RCW 2.50.050 and 1939 c 93 s 5 are each amended to read as  
4 follows:

5       A legal aid bureau (hereinafter called the bureau), is an agency  
6 for the rendition of organized legal aid to indigent persons resident  
7 in the county, consisting of one director, who shall be an attorney  
8 resident in the county, and who shall be in good standing and active  
9 membership in the Washington State Bar Association, together with such  
10 professional and other personnel, such office facilities, and other  
11 equipment, as may be determined by the bar board and be financed by the  
12 county board, subject to section 5 of this act.

13       **Sec. 3.** RCW 2.50.060 and 1939 c 93 s 6 are each amended to read as  
14 follows:

15       Upon receipt of a certified copy of such resolution the bar board  
16 is empowered and, within sixty days thereafter, is obligated to create  
17 and continue a legal aid bureau as soon and as long as the necessary  
18 funds so allocated are made available by the county board, subject to  
19 section 5 of this act, all expenditures for the bureau to be limited to  
20 county funds so supplied, except only as hereinafter authorized. The  
21 bar board is vested with the ultimate power to control by its rules and  
22 regulations such bureau, the immediate supervision of which in actual  
23 operation shall be by the bar board itself or by a committee of its  
24 selection.

25       **Sec. 4.** RCW 2.50.080 and 1939 c 93 s 8 are each amended to read as  
26 follows:

1       Among the powers to supervise the actual operation of any such  
2 bureau, which shall be exercised either by the bar board itself or in  
3 its discretion by the committee, are the following:

4       (1) To appoint and remove at will the director and to fix the  
5 amount of his salary not in excess of two hundred dollars per month;

6       (2) To engage and discharge all other employees of the bureau and  
7 to fix their salaries or remuneration;

8       (3) To assist the director in supplying the free services of  
9 attorneys for the bureau;

10       (4) To cooperate with the dean of any law school now or hereafter  
11 established within this state respecting the participation of law  
12 students in the rendition of services by the bureau under the guidance  
13 of the director--however, by this provision, no law student shall be  
14 deemed authorized to represent as an attorney in a court of record any  
15 legal aid client;

16       (5) To require of the director periodically written statements of  
17 account and written reports upon any and all subjects within the  
18 operation of the bureau;

19       (6) To prescribe rules and regulations, always subject to the bar  
20 board, for determination of the indigent persons who are entitled to  
21 legal aid, for determination of the kinds of legal problems and cases  
22 subject to legal aid, and for determination of all operative legal aid  
23 policies not inconsistent with this chapter;

24       (7) To advise the county board, for its budget upon its written  
25 request, as to the estimated amount of county funds, subject to section  
26 5 of this act, reasonably required to effectively operate the bureau  
27 for the ensuing fiscal year;

28       (8) To receive county funds allocated by the county board for the  
29 bureau, and to render an account thereof at the times and in the manner  
30 reasonably required by the county board;

1 (9) To disburse such county funds, after receipt thereof, solely  
2 for the purposes contemplated by this chapter.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 2.50 RCW  
4 to read as follows:

5 (1) County indigent defense costs of up to one percent of the  
6 county current expense fund shall be paid by the county.

7 (2) County indigent defense costs that are in excess of one percent  
8 but less than two percent of the county current expense fund shall be  
9 divided equally between the county and the state.

10 (3) County indigent defense costs that are in excess of two percent  
11 of the county current expense fund shall be paid by the state.