

SENATE BILL REPORT

SB 5881

As Reported By Senate Committee On:
Judiciary, February 26, 2001

Title: An act relating to capital defense assistance.

Brief Description: Funding a capital defense assistance center.

Sponsors: Senators Haugen, Long, Kline, Kohl-Welles, Prentice and Constantine.

Brief History:

Committee Activity: Judiciary: 2/22/01, 2/26/01 [DP-WM].

SENATE COMMITTEE ON JUDICIARY

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

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: At least two defense lawyers must be appointed for the trial and appeal in capital cases. All counsel must have demonstrated proficiency and commitment to quality representation; and at least one trial counsel must have at least five years experience in criminal practice, be familiar with the utilization of expert witnesses and evidence, and have training and experience in capital cases. A list of qualified counsel is maintained by the Supreme Court.

Summary of Bill: The director of the Office of Public Defense consults with the Washington Association of Criminal Defense Lawyers and the Washington Defenders Association to prepare a proposal for services for the establishment of the Capital Defense Assistance Center (CDAC). The CDAC shall be a nonprofit corporation or office within an existing public defender association. The selection of the provider must not be based on cost alone, but must also consider the experience, training, and certification of the providers. The CDAC must assist trial and appellant defense counsel in capital offenses and conduct training of defense counsel toward certification.

Appropriation: \$100,000 for the fiscal year ending June 30, 2002. \$135,000 for the fiscal year ending June 30, 2003.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is the most complex and expensive litigation that criminal attorneys do. Accurate trials may help limit the issues during costly appeals. There is a critical

shortage of list qualified defense attorneys. CONCERNS: Prosecuting attorneys, especially in small counties, also have training and funding concerns.

Testimony Against: None.

Testified: PRO: Bob Boruchowitz, Defenders Association; Roger Hunko, Washington Association of Criminal Defense Lawyers; Jerry Sheehan, ACLU; Todd Maybroun, Washington Association of Criminal Defense Lawyers; Joanne Moore, Washington State Office of Public Defense; CONCERNS: Tom McBride, Washington Association of Prosecuting Attorneys.