

HOUSE BILL REPORT

HB 1793

As Reported by House Committee On: Judiciary

Title: An act relating to removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

Brief Description: Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

Sponsors: Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller.

Brief History:

Committee Activity:

Judiciary: 2/6/07, 2/14/07 [DP].

Brief Summary of Bill

- Removes the limit on the number of eligible cities that can receive indigent defense money through grants administered by the Office of Public Defense.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

A criminal defendant who is determined to be indigent has a right to counsel at public expense. In addition, persons facing involuntary commitment proceedings, parents in dependency and termination proceedings, and juvenile offenders have a right to counsel at public expense if they are indigent. Generally, counties and cities are responsible for funding indigent defense costs at the trial level.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In recent years, reports from various entities, including the Washington State Bar Association Blue Ribbon Task Force on Indigent Defense and the Court Funding Task Force, have expressed concerns about the inadequate delivery of indigent defense services at the trial level.

In 2005, the Legislature enacted 2SHB 1542, which directs the Office of Public Defense (OPD) to distribute appropriated funds to eligible cities and counties for public defense services. Local jurisdictions may apply for funds if they meet certain requirements. If the OPD determines that a local jurisdiction receiving funds has not substantially complied with these requirements, the OPD may terminate funding.

Of the total available funds appropriated, the OPD is directed to distribute 90 percent to eligible counties and 10 percent to no more than five eligible cities as determined by the OPD.

In 2006, the Legislature appropriated approximately \$3 million for trial-level indigent defense. The \$300,000 to cities was distributed as follows:

- Auburn - \$60,000
- Cheney - \$15,000
- Lynnwood - \$75,000
- Spokane - \$60,000
- Yakima - \$90,000

Summary of Bill:

The limit on the number of eligible cities that can receive indigent defense money through grants administered by the OPD is removed. More than five cities may be eligible to receive city moneys.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This is a good program. For the first time, there is state money to help local jurisdictions with their indigent defense costs. This bill is not about a fight over money. This bill allows the OPD to reach more cities. The money is making a difference to cities. They are adding more public defenders and doing more investigative work. The OPD received 32 applications last year and many were worthy of receiving funding.

(Opposed) None.

Persons Testifying: Tammy Fellin, Association of Washington Cities; and Mary Jane Ferguson, Washington State Office of Public Defense.

Persons Signed In To Testify But Not Testifying: None.