

FINAL BILL REPORT

ESSB 6442

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Synopsis as Enacted

Brief Description: Modifying provisions relating to the office of public defense.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Regala, Stevens, Kline, Zarelli, Tom, Parlette, Hargrove, Swecker, Fraser, Pridemore, McDermott and Kohl-Welles).

Senate Committee on Judiciary

House Committee on Judiciary

House Committee on Appropriations

Background: The Office of Public Defense (OPD) was legislatively created in 1996 to implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington. The Legislature has gradually increased the duties of OPD to include representation of parents at dependency and termination proceedings, improvement of public defense at the trial level, and training. In total, OPD has duties in the following six areas: (1) contracting for state funded appellate indigent defense in 39 counties; (2) representation of parents in dependency and termination of parental rights proceedings in 25 of the 39 counties; (3) continuing education and training for public defenders; (4) compiling and prioritizing counties' extraordinary criminal justice costs; (5) consultation with counties to improve their indigent defense; and (6) operating a grant program that assists counties and cities with meeting standards or improving indigent defense outcomes. The staff at OPD do not represent clients in court. People are represented by attorneys who contract with OPD and the contract attorneys are managed and supervised by OPD.

In accordance with the Washington Sunset Act, the OPD is scheduled to terminate on June 30, 2008. Washington law requires the Joint Legislative Audit and Review Committee to conduct a program and fiscal review of any entity scheduled for termination under the Washington Sunset Act. The Office of Public Defense Sunset Review Report was approved for distribution on January 9, 2008.

Summary: The Director of OPD is required to administer all state-funded services in the program areas of trial court criminal indigent defense, appellate indigent defense, representation of indigent parents in dependency and termination cases, extraordinary criminal justice cost petitions, and compilation of copies of DNA test requests by persons convicted of felonies. In addition, the Director must submit a biennial budget for all costs related to these program areas. An annual report on indigent defense services is required to be submitted by the Director to the OPD advisory committee, the Legislature, and the Supreme Court.

The OPD advisory committee is expanded to include the following persons: one person appointed by the Washington State Association of Counties; and one person appointed by the

Association of Washington Cities. No person appointed to the advisory committee may provide indigent defense services funded by a city, county, or the state, except on a pro bono basis, during that person's term of appointment. No person may serve as a judge, except on a pro bono basis, or a court employee, during that person's term of appointment. The duties of the advisory committee are specified.

The provision that would sunset OPD effective July 1, 2008 is repealed.

Votes on Final Passage:

Senate	48	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 12, 2008