
Judiciary Committee

HB 2497

Title: An act relating to establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards.

Brief Description: Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards.

Sponsors: Representatives S. Hunt, Zeiger, Goodman, Wylie, Rodne, Ross, Pike, Moeller, Roberts, Tharinger and Haigh.

Brief Summary of Bill

- Authorizes increases in certain fees and assessments associated with criminal offenses, and requires funds collected attributable to the increases to be used for local court operations, prosecutorial functions, and other criminal justice matters connected with indigent defense cases.

Hearing Date: 1/31/14

Staff: Omeara Harrington (786-7136).

Background:

Caseload Limits.

Under statute, cities and counties must adopt standards for the delivery of public defense services, and must use the standards endorsed by the Washington State Bar Association (WSBA) as guidelines for the provision of public defense services. These standards include specific attorney experience requirements and caseload limits that vary based upon what kinds of cases the attorney is handling.

The Washington Supreme Court (WSC) has adopted amendments to court rules, requiring that, in order to be appointed to represent an indigent person, counsel must certify compliance with specific numerical caseload standards for indigent defense services based upon those

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recommended by the WSBA. Since 2013, public defenders assigned a felony caseload have been required to certify that their caseload assignment does not exceed 150 cases per year, and those assigned a juvenile caseload have been required to certify that their caseload assignment does not exceed 250 per year. The WSC delayed implementation of the misdemeanor caseload limit until January 1, 2015. When the rule becomes effective, public defenders representing misdemeanor defendants must certify to the court that they are in compliance with a limit of 400 cases per attorney annually, or 300 cases annually if the court uses a weighted system described in the rule.

Legal Financial Obligations.

When a person is convicted of a crime, they are obligated to pay various fees, fines, and victim restitution. An offender's payments made toward legal financial obligations are applied first to restitution and then proportionally to other monetary obligations after restitution has been satisfied. Among the various fees and assessments courts may collect are: a fee of \$43 from a defendant upon conviction in a court of limited jurisdiction; up to \$100 in expenses incurred in preparing and serving a warrant for failure to appear; and a monthly assessment of up to \$100 for services provided for evaluation or supervision by the misdemeanor probation department.

Summary of Bill:

Legislative intent and findings are stated. The Legislature finds that caseload standards for public defenders will have a fiscal impact on the criminal justice and court operations of local jurisdictions. The Legislature states intent to provide local courts and courts of limited jurisdiction with additional fee authority to offset growing expenditures associated with indigent defense and public defender caseload standards.

The limits are raised with respect to three categories of costs and fees a court may collect:

- The fee a court of limited jurisdiction may collect upon a defendant's conviction is raised from \$43 to \$55.
- The limit on expenses a court may recoup for costs incurred in preparing and serving a warrant for failure to appear is raised from \$100 to \$175.
- The allowed monthly assessment a court may impose for services provided for misdemeanor probation evaluation and supervision is raised from \$100 to \$150.

Revenue collected that is attributable to these increases must be used to support local court operations, prosecutorial functions, and other criminal justice matters connected with indigent defense cases.

Appropriation: None.

Fiscal Note: Requested on January 23, 2014.

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