
Appropriations Committee

HB 2764

Brief Description: Clarifying public defense fund distributions.

Sponsors: Representatives Jinkins, Chandler, Gregerson, Johnson, Appleton and Senn.

Brief Summary of Bill

- Clarifies that \$900,000 of the revenue generated per fiscal year by the 2015 Supreme Court order to increase the base traffic infraction fines is for the Office of Public Defense.
- Modifies the fund distribution for the \$900,000, pursuant to appropriation, to 50 percent for counties and 50 percent for cities. The funds must be used to improve the quality of trial court indigent public defense services.

Hearing Date: 1/27/16

Staff: Meghan Morris (786-7119).

Background:

Public Defense Improvement Program

Both federal and state constitutions guarantee the right to legal representation for an accused person in a criminal prosecution. Court decisions at both federal and state levels have construed these provisions to require public funding of indigent legal representation in criminal prosecutions.

The Office of Public Defense (OPD) manages and distributes state funds to county and city defense systems for the improvement of trial court criminal indigent defense. Local jurisdictions may apply for funding if they meet certain requirements, including requiring public defenders to get annual training approved by the OPD. Applicants must also report financial and caseload information on public defense services for the previous year. Individuals and entities that contract with local jurisdictions to provide public defense services must report the hours billed for private legal defense services to the local jurisdiction. Local jurisdictions receiving state

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funding must document that they are meeting the standards for the provision of indigent defense services as endorsed by the Washington State Bar Association, or that the funding is making "appreciable demonstrable improvements" in the delivery of public defense services. These improvements may include:

- requiring cities and counties to adopt service delivery standards, using the Washington State Bar Association standards as a guideline;
- requiring training for public defense attorneys;
- with respect to counties only, requiring specified enhanced training and experience for attorneys handling Murder in the first or second degree, persistent offenders, or any class A felony;
- requiring contracts to address compensation for extraordinary cases; and
- funding for the costs of expert witnesses and investigators.

If the OPD determines that local jurisdictions receiving funds have not substantially complied with these requirements, the OPD may terminate funding. A determination to terminate funding may be appealed to the OPD advisory board, whose decision is final.

Distribution of total appropriated funds by the OPD is as follows:

- 90 percent of the total goes to eligible counties:
 - 6 percent of which is divided equally among eligible counties;
 - 94 percent of which is distributed as follows:
 - 50 percent pro rata, based on county population; and
 - 50 percent pro rata, based on county criminal filings; and
- 10 percent of the total goes to eligible cities as determined by the OPD based on grant applications.

Supreme Court Revenue

In 2015, the Washington State Supreme Court ordered a \$6 increase in the base penalty schedule for traffic infractions. Revenue from this fee increase is split between three accounts: Local General Fund, State General Fund, and the Judicial Information Systems Account. After the fee increase, an additional \$900,000 per fiscal year from the State General Fund was appropriated in the 2015-2017 biennial Operating Budget to the OPD for the purpose of improving the quality of trial court public defense services.

Summary of Bill:

\$900,000 per fiscal year of the revenue generated by the Supreme Court order to increase the base traffic infraction fines is for the OPD. The fund distribution for the base funding distributed to county and city defense systems for the improvement of trial court criminal indigent defense is retained. However, the \$900,000 in additional state funding per fiscal year shall be distributed by the OPD as follows:

- 50 percent of the funds appropriated shall be distributed to counties; and
- 50 percent of the funds appropriated shall be distributed to cities.

Appropriation: None.

Fiscal Note: Not requested.

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