
SENATE BILL 5782

State of Washington

68th Legislature

2024 Regular Session

By Senators Torres, Braun, Kuderer, and J. Wilson

Prefiled 12/04/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to evaluation of the provision of right to
2 counsel services; adding a new section to chapter 2.70 RCW; making an
3 appropriation; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.70 RCW
6 to read as follows:

7 (1) The office of public defense shall contract with the sixth
8 amendment center to conduct a statewide evaluation of the provision
9 of trial-level right to counsel services to adults and juveniles
10 accused of violating state and local laws that carry potential loss
11 of liberty in Washington and to provide recommendations to improve
12 the provision of these services. The evaluation shall assess right to
13 counsel services in at least nine counties including at least two
14 counties with a population of less than 250,000 and two counties with
15 a population of 500,000 or more. The evaluation shall assess right to
16 counsel services in superior and municipal courts and shall include,
17 but is not limited to, the following:

18 (a) Research related to the relevant law of Washington including
19 the law's internal interactions and the law's interactions with
20 federal law and national standards;

1 (b) Research related to the implementation and enforcement of
2 Washington court rules and ethical rules related to public defense
3 services;

4 (c) Data collection and analysis related to the provision of
5 right to counsel services in Washington, including workload of public
6 defense providers, the resources available to public defense
7 providers, and the independence of public defense providers;

8 (d) Courtroom observations focusing on the following:

9 (i) The process individuals experience as their cases advance
10 from accusation through disposition;

11 (ii) The process the appointed attorney experiences while
12 representing each person at the various stages of a case; and

13 (iii) The substantive laws and procedural rules that govern the
14 criminal legal system in which indigent representation is provided;
15 and

16 (e) Recommendations for improving the provision and quality of
17 right to counsel services.

18 (2) The evaluation shall utilize sixth amendment case law and
19 national standards for the right to counsel services as the uniform
20 baseline measure for providing attorneys to indigent individuals,
21 along with the requirements of federal, state, and local laws.

22 (3) By December 1, 2025, the office of public defense shall
23 report the evaluation and recommendations of the sixth amendment
24 center to the appropriate committees of the legislature.

25 (4) The office of public defense shall establish an advisory
26 group to review the final draft of the sixth amendment center report
27 and to consult with the office of public defense on its assessment of
28 the recommendations of the sixth amendment center. This group shall
29 include at least two current providers of public defense services and
30 two persons who have received public defense services in the past 10
31 years.

32 (5) By July 1, 2026, the office of public defense shall report to
33 the appropriate committees of the legislature its response to the
34 recommendations of the sixth amendment center including any
35 recommendations for legislation.

36 (6) This section expires July 1, 2027.

37 NEW SECTION. **Sec. 2.** The sum of \$300,000, or as much thereof as
38 may be necessary, is appropriated for the fiscal year ending June 30,

1 2025, from the general fund to the office of public defense for the
2 purposes of this act.

--- **END** ---