
SUBSTITUTE HOUSE BILL 1592

State of Washington

69th Legislature

2025 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Peterson, Low, Goodman, Nance, Parshley, Taylor, Ortiz-Self, Rude, Duerr, Richards, Steele, Barnard, Farivar, Simmons, Zahn, Timmons, Doglio, Pollet, and Reed)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to public defense services; amending RCW
2 10.101.050, 10.101.060, 10.101.070, and 10.101.080; adding a new
3 section to chapter 10.101 RCW; and adding a new section to chapter
4 2.56 RCW.

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

6 **Sec. 1.** RCW 10.101.050 and 2005 c 157 s 3 are each amended to
7 read as follows:

8 (1) Beginning in fiscal year 2026, funding responsibility for
9 public defense services shall be shared by the state, counties, and
10 cities.

11 (a) Beginning in fiscal year 2026, the state shall be responsible
12 for 50 percent of the cost of public defense services based on an
13 average of the actual expenditures for public defense services
14 reported, and paid for, by eligible counties for the previous five
15 years looking back from fiscal year 2024. Beginning in fiscal year
16 2026, eligible counties shall not be responsible for public defense
17 services costs that exceed this five-year average.

18 (b) Beginning in fiscal year 2026, the state shall be responsible
19 for 50 percent of the cost of public defense services based on an
20 average of the actual expenditures for public defense services paid
21 for by eligible cities for the previous five years looking back from

1 fiscal year 2024. Beginning in fiscal year 2026, eligible cities
2 shall not be responsible for public defense services costs that
3 exceed this five-year average.

4 (c) In fiscal year 2026 and thereafter, the state shall be
5 responsible for all public defense services costs that exceed the
6 five-year average set forth in this section.

7 The Washington state office of public defense shall disburse
8 appropriated funds to eligible counties ~~((and cities))~~ for the
9 ~~((purpose of improving the quality of public defense services))~~ costs
10 that exceed the five-year average set forth in this section
11 consistent with RCW 10.101.060(2) (a) through (d) and to eligible
12 cities for the costs that exceed the five-year average set forth in
13 this section consistent with RCW 10.101.080.

14 (d) Any county funds supplanted by the funding distributions
15 described in this section that were previously spent on public
16 defense services may only be used for the following activities:

- 17 (i) Pretrial or precharge diversion programs;
- 18 (ii) Alternatives to incarceration;
- 19 (iii) Reentry services for those exiting incarceration;
- 20 (iv) Administrative expenditures related to the provision of
21 public defense services including, but not limited to:
 - 22 (A) Information technology;
 - 23 (B) Human resources;
 - 24 (C) Office space;
 - 25 (D) Other indirect costs;
 - 26 (v) Behavioral health facilities and services;
 - 27 (vi) Costs of developing affordable and supportive housing,
28 consistent with eligible activities outlined in RCW 82.14.540;
 - 29 (vii) Other activities as approved by the Washington state office
30 of public defense. ((Counties))

31 (2) Eligible counties may apply for up to their pro rata share as
32 set forth in RCW 10.101.060 provided that counties conform to
33 application procedures established by the office of public defense
34 and improve the quality of services for both juveniles and adults.
35 ~~((Cities may apply for moneys pursuant to the grant program set forth~~
36 ~~in RCW 10.101.080.))~~

37 (3) In order to receive funds, each ((applying)) county ((or
38 city)) must ((require that attorneys providing public defense
39 services attend training approved by the office of public defense at

1 ~~least once per calendar year. Each applying county or city shall~~
2 ~~report)):~~

3 (a) Report the expenditure for all public defense services in the
4 previous calendar year, as well as case statistics for that year,
5 including per attorney caseloads, and shall provide a copy of each
6 current public defense contract to the office of public defense
7 ((with its application. Each individual or organization that
8 contracts to perform public defense services for a county or city
9 shall report to the county or city));

10 (b) Require public defense lawyers to keep and report hours
11 worked on each public defense case. The county shall collect data of
12 assigned and resolved cases and annually report to the office of
13 public defense and the Washington state bar association the (i)
14 number of assigned and resolved cases of each case type consistent
15 with appendix B of the Washington state bar association indigent
16 defense standards, and (ii) average number of billable attorney hours
17 spent on resolved cases of each type. The office of public defense
18 shall create forms consistent with the collection of necessary data
19 and regularly use the billable hour data to review and reconsider the
20 categorization of each case type included in appendix B of the
21 Washington state bar association indigent defense standards;

22 (c) Designate a public defense coordinator who shall serve as the
23 primary contact between the county and the office of public defense.
24 The public defense coordinator shall be a lawyer with public defense
25 experience. Cities and counties are encouraged to work together and
26 with the office of public defense to create public defense districts,
27 if needed, consistent with RCW 36.26.020.

28 (4) Cities may apply for moneys pursuant to the distributions set
29 forth in RCW 10.101.080. In order to receive funds, each applying
30 city must require that attorneys providing public defense services
31 attend training approved by the office of public defense at least
32 once per calendar year. Each applying city shall report the
33 expenditure for all public defense services in the previous calendar
34 year, as well as case statistics for that year, including per
35 attorney caseloads, and shall provide a copy of each current public
36 defense contract to the office of public defense with its
37 application. Each individual or organization that contracts to
38 perform public defense services for a city shall report to the city
39 hours billed for nonpublic defense legal services in the previous
40 calendar year, including number and types of private cases.

1 **Sec. 2.** RCW 10.101.060 and 2005 c 157 s 4 are each amended to
2 read as follows:

3 (1) ~~((a) Subject to the availability of funds appropriated for~~
4 ~~this purpose, the))~~ The office of public defense shall disburse to
5 ~~((applying))~~ all counties that meet the requirements of RCW
6 10.101.050 designated funds under this chapter on a pro rata basis
7 pursuant to the formula set forth in RCW 10.101.070 and shall
8 disburse to eligible cities, funds pursuant to RCW 10.101.080.

9 (2) Any county with a population density of less than 50 persons
10 per square mile may request that the office of public defense assume
11 responsibility for providing all or a designated portion of the
12 public defense services for defendants appearing in a court under the
13 county's jurisdiction. If the office of public defense determines
14 that it has the capacity to provide these services on behalf of the
15 county:

16 (a) The office of public defense must notify the county of its
17 decision to accept the request within 180 days.

18 (b) The county's pro rata share of funding described in RCW
19 10.101.070 shall be retained by the office of public defense for the
20 purposes of delivering public defense services within the county. The
21 office of public defense may designate employees of the department or
22 contract with external legal counsel to deliver public defense
23 services within the county.

24 (c) The office of public defense, at its discretion and
25 consistent with standards for the provision of indigent defense
26 services as endorsed by the Washington state bar association, may
27 establish service delivery standards, support staffing, and
28 administrative functions to facilitate the effective delivery of
29 public defense services within the county.

30 (d) The county shall contribute funds in an amount equal to its
31 responsibility for public defense services within its jurisdiction as
32 described in RCW 10.101.050 toward the delivery of public defense
33 services by the office of public defense within its jurisdiction.

34 (3) Each fiscal year for which it receives state funds under this
35 chapter, a county or city must annually document to the office of
36 public defense that it is meeting the standards for provision of
37 indigent defense services as endorsed by the Washington state bar
38 association or that the funds received under this chapter have been
39 used to make appreciable demonstrable improvements in the delivery of
40 public defense services ~~((, including the following:~~

1 ~~(i) Adoption by ordinance of a legal representation plan that~~
2 ~~addresses the factors in RCW 10.101.030. The plan must apply to any~~
3 ~~contract or agency providing indigent defense services for the county~~
4 ~~or city;~~

5 ~~(ii) Requiring attorneys who provide public defense services to~~
6 ~~attend training under RCW 10.101.050;~~

7 ~~(iii) Requiring attorneys who handle the most serious cases to~~
8 ~~meet specified qualifications as set forth in the Washington state~~
9 ~~bar association endorsed standards for public defense services or~~
10 ~~participate in at least one case consultation per case with office of~~
11 ~~public defense resource attorneys who are so qualified. The most~~
12 ~~serious cases include all cases of murder in the first or second~~
13 ~~degree, persistent offender cases, and class A felonies. This~~
14 ~~subsection (1)(a)(iii) does not apply to cities receiving funds under~~
15 ~~RCW 10.101.050 through 10.101.080;~~

16 ~~(iv) Requiring contracts to address the subject of compensation~~
17 ~~for extraordinary cases;~~

18 ~~(v) Identifying funding specifically for the purpose of paying~~
19 ~~experts (A) for which public defense attorneys may file ex parte~~
20 ~~motions, or (B) which should be specifically designated within a~~
21 ~~public defender agency budget;~~

22 ~~(vi) Identifying funding specifically for the purpose of paying~~
23 ~~investigators (A) for which public defense attorneys may file ex~~
24 ~~parte motions, and (B) which should be specifically designated within~~
25 ~~a public defender agency budget.~~

26 ~~(b) The cost of providing counsel in cases where there is a~~
27 ~~conflict of interest shall not be borne by the attorney or agency who~~
28 ~~has the conflict)). The office of public defense may create standards~~
29 ~~to determine the eligibility of counties and cities requesting funds.~~

30 ~~((2))~~ (4) The office of public defense shall monitor trial
31 level public defense services to determine eligibility of counties
32 and cities to receive state funds under this chapter. ~~((If a~~
33 ~~determination is made that a county or city receiving state funds~~
34 ~~under this chapter did not substantially comply with this section,~~
35 ~~the office of public defense shall notify the county or city of the~~
36 ~~failure to comply and unless the county or city contacts the office~~
37 ~~of public defense and substantially corrects the deficiencies within~~
38 ~~ninety days after the date of notice, or some other mutually agreed~~
39 ~~period of time, the county's or city's eligibility to continue~~
40 ~~receiving funds under this chapter is terminated. If an applying~~

1 ~~county or city disagrees with the determination of the office of~~
2 ~~public defense as to the county's or city's eligibility, the county~~
3 ~~or city may file an appeal with the advisory committee of the office~~
4 ~~of public defense within thirty days of the eligibility~~
5 ~~determination. The decision of the advisory committee is final)) The
6 office of public defense shall create data collection criteria and
7 reporting forms to ensure consistent statewide data and application.~~

8 (5) The moneys under RCW 10.101.050 shall be distributed to each
9 county and city determined to be eligible under this section by the
10 office of public defense.

11 **Sec. 3.** RCW 10.101.070 and 2005 c 157 s 5 are each amended to
12 read as follows:

13 The moneys shall be distributed to each county determined to be
14 eligible to receive moneys by the office of public defense as
15 determined under this section. (~~Ninety percent of the funding~~
16 ~~appropriated)) Beginning in fiscal year 2026 and in each year
17 thereafter, the state shall appropriate to the office of public
18 defense funds necessary to comply with RCW 10.101.050(1)(a). These
19 funds shall be designated as "county moneys" and shall be distributed
20 as follows:~~

21 (1) (~~Six percent of the county moneys appropriated shall be~~
22 ~~distributed as a base allocation among the eligible counties. A~~
23 ~~county's base allocation shall be equal to this six percent divided~~
24 ~~by the total number of eligible counties.~~

25 ~~(2) Ninety-four percent of the)) The county moneys appropriated
26 shall be distributed among the eligible counties as follows:~~

27 (a) Fifty percent of this amount shall be distributed on a pro
28 rata basis to each eligible county based upon the population of the
29 county as a percentage of the total population of all eligible
30 counties; and

31 (b) Fifty percent of this amount shall be distributed on a pro
32 rata basis to each eligible county based upon the annual number of
33 criminal cases filed in the county superior court as a percentage of
34 the total annual number of criminal cases filed in the superior
35 courts of all eligible counties.

36 (2) Beginning in fiscal year 2027 and each year thereafter, the
37 county moneys appropriated shall be distributed among the eligible
38 counties on a pro rata basis based upon the annual number of cases

1 filed in courts under the county's jurisdiction for which a public
2 defender was assigned.

3 (3) Under this section:

4 (a) The population of the county is the most recent number
5 determined by the office of financial management;

6 (b) The annual number of criminal cases filed in the county
7 superior court is determined by the most recent annual report of the
8 courts of Washington, as published by the office of the administrator
9 for the courts;

10 ~~(c) ((Distributions and eligibility for distributions in the~~
11 ~~2005-2007 biennium shall be based on 2004 figures for the annual~~
12 ~~number of criminal cases that are filed as described under (b) of~~
13 ~~this subsection. Future distributions shall be based on the most~~
14 ~~recent figures for the annual number of criminal cases that are filed~~
15 ~~as described under (b) of this subsection))~~ The annual number of
16 cases filed in courts under the county's jurisdiction for which a
17 public defender was assigned is determined by the most recent annual
18 report of the courts of Washington, as published by the office of the
19 administrator for the courts.

20 NEW SECTION. Sec. 4. A new section is added to chapter 10.101
21 RCW to read as follows:

22 The office of public defense shall:

23 (1) Examine and make recommendations to reduce trial level public
24 defense caseloads and backlogs;

25 (2) Require counties to report to the office of public defense
26 the number of accused who are unrepresented because of a shortage of
27 qualified lawyers;

28 (3) Make recommendations to increase retention of experienced
29 public defenders in high-need counties; and

30 (4) Report findings and recommendations to the appropriate fiscal
31 and policy committees of the legislature not later than December 1,
32 2026.

33 NEW SECTION. Sec. 5. A new section is added to chapter 2.56 RCW
34 to read as follows:

35 The office of the administrator for the courts shall collect data
36 in a manner consistent with the responsibilities outlined in chapter
37 2.68 RCW detailing the number of cases assigned a public defender and

1 shall include in its annual report of the courts of Washington the
2 total number of such cases in each county and city.

3 **Sec. 6.** RCW 10.101.080 and 2007 c 59 s 1 are each amended to
4 read as follows:

5 The moneys under RCW 10.101.050 shall be distributed to each city
6 determined to be eligible under this section by the office of public
7 defense. ~~((Ten percent of the))~~ Beginning in fiscal year 2026, and in
8 each year thereafter, the state shall appropriate to the office of
9 public defense funds necessary to comply with RCW 10.101.050(1)(b).
10 The funding appropriated shall be designated as "city moneys" and
11 distributed as follows:

12 (1) ~~((The))~~ Beginning in fiscal year 2026, the office of public
13 defense shall ~~((administer a grant program to select))~~ distribute the
14 city moneys to the cities eligible to receive city moneys on a pro
15 rata basis based upon the annual number of misdemeanor criminal cases
16 filed in courts under the city's jurisdiction or for which the city
17 is financially responsible for which a public defender was assigned.
18 ~~((Incorporated cities may apply for grants. Applying cities must~~
19 ~~conform to the requirements of RCW 10.101.050 and 10.101.060.))~~

20 (2) ~~((City moneys shall be distributed in a timely manner to~~
21 ~~accomplish the goals of the grants.~~

22 ~~(3) Criteria for award of grants shall be established by the~~
23 ~~office of public defense after soliciting input from the association~~
24 ~~of Washington cities. Award of the grants shall be determined by the~~
25 ~~office of public defense.))~~ Under this section the annual number of
26 misdemeanor criminal cases filed in courts under the city's
27 jurisdiction or for which the city is financially responsible for
28 which a public defender was assigned is determined by the most recent
29 annual report of the courts of Washington, as published by the office
30 of the administrator for the courts.

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