

HOUSE BILL REPORT

HB 2342

As Reported By House Committee On:
Law & Justice

Title: An act relating to criminal defense.

Brief Description: Creating the office of public defense.

Sponsors: Representatives Hickel, Sheahan, Appelwick, Delvin and Costa; by request of Administrator for the Courts.

Brief History:

Committee Activity:

Law & Justice: 1/30/96, 2/1/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Bill Perry (786-7123).

Background: Indigent defendants may be afforded appellate representation at public expense under constitutional and statutory mandates. The Legislature has declared that "effective legal representation should be provided for indigent persons and persons who are able to contribute, consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches."

Currently, each of the three divisions of the Washington State Court of Appeals administers a separate delivery system for indigent appellate defense. In March, 1995, the state Supreme Court established the Appellate Indigent Defense Commission.

Funding for indigent appellate defense is from the Public Safety and Education Account (PSEA) of the state general fund. The PSEA receives money from court imposed fees, fines, forfeitures, penalties, reimbursements, and assessments.

Summary of Substitute Bill: The Office of Public Defense is created in the judicial branch of government.

The state Supreme Court is to appoint a director for the office from a list of three candidates submitted by an advisory committee that is to supervise and direct the operation of the office. The advisory committee consists of 11 members:

- three persons appointed by the Chief Justice;
- two nonattorneys appointed by the Governor;
- two state senators appointed by the President of the Senate;
- two state representatives appointed by the Speaker of the House;
- one person appointed by the court of appeals' executive committee; and
- one person appointed by the bar association.

The director of the office is to administer all criminal defense services; submit budget requests; establish administrative procedures, including cost recovery; recommend standards for determining indigence; collect information on case funding; and coordinate with the Supreme Court and the court of appeals on service delivery.

All duties, records, equipment, funds, and personnel currently in the Office of the Administrator for the Courts or in the Supreme Court that pertain to indigent appellate defense are transferred to the Office of Public Defense.

The office expires on July 30, 2000.

Substitute Bill Compared to Original Bill: The substitute bill clarifies the makeup of the initial advisory committee membership, and removes a statement that appointments to the committee should reflect certain diversities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will allow consolidation and streamlining of the delivery of services.

Testimony Against: None.

Testified: Mary McQueen, Office of the Administrator for the Courts and the Washington State Supreme Court (pro).