

HOUSE BILL REPORT

SSB 6189

As Passed House - Amended:

February 28, 1996

Title: An act relating to criminal defense.

Brief Description: Creating the office of public defense.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Smith and McCaslin; by request of Supreme Court).

Brief History:

Committee Activity:

Law & Justice: 2/23/96 [DPA].

Floor Activity:

Passed House - Amended: 2/28/96, 94-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 14 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith and Sterk.

Minority Report: Without recommendation. Signed by 1 member: Representative 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 Washington 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 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: