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**SENATE BILL 5782**

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**State of Washington 68th Legislature 2024 Regular Session**

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

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

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

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

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

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

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

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

(d) Courtroom observations focusing on the following:

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

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

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

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

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

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

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

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

(6) This section expires July 1, 2027.

NEW SECTION. **Sec.**  The sum of $300,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2025, from the general fund to the office of public defense for the purposes of this act.

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