
HOUSE BILL 2595

State of Washington

69th Legislature

2026 Regular Session

By Representatives Peterson, Goodman, and Simmons

Read first time 01/20/26. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to collateral attacks on judgment and sentence in
2 criminal cases; and amending RCW 10.73.090, 10.73.120, and 2.70.023.

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

4 **Sec. 1.** RCW 10.73.090 and 1989 c 395 s 1 are each amended to
5 read as follows:

6 (1) No petition or motion for collateral attack on a judgment and
7 sentence in a criminal case may be filed more than (~~one year~~) three
8 years after the judgment becomes final if the judgment and sentence
9 is valid on its face and was rendered by a court of competent
10 jurisdiction.

11 (2) For the purposes of this section, "collateral attack" means
12 any form of postconviction relief other than a direct appeal.
13 "Collateral attack" includes, but is not limited to, a personal
14 restraint petition, a habeas corpus petition, a motion to vacate
15 judgment, a motion to withdraw guilty plea, a motion for a new trial,
16 and a motion to arrest judgment.

17 (3) For the purposes of this section, a judgment becomes final on
18 the last of the following dates:

19 (a) The date it is filed with the clerk of the trial court;

20 (b) The date that an appellate court issues its mandate disposing
21 of a timely direct appeal from the conviction; or

1 (c) The date that the United States Supreme Court denies a timely
2 petition for certiorari to review a decision affirming the conviction
3 on direct appeal. The filing of a motion to reconsider denial of
4 certiorari does not prevent a judgment from becoming final.

5 **Sec. 2.** RCW 10.73.120 and 1989 c 395 s 5 are each amended to
6 read as follows:

7 As soon as practicable after (~~July 23, 1989~~) the effective date
8 of this section, the department of corrections shall attempt to
9 advise the following persons of the time limit specified in RCW
10 10.73.090 and 10.73.100: Every person who, on (~~July 23, 1989~~) the
11 effective date of this section, is serving a term of incarceration,
12 probation, parole, or community supervision pursuant to conviction of
13 a felony.

14 **Sec. 3.** RCW 2.70.023 and 2025 c 226 s 11 are each amended to
15 read as follows:

16 (1) Except as otherwise provided in this section, the office of
17 public defense shall not provide direct representation of clients.

18 (2) In order to protect and preserve client rights when
19 administering the office's statutory duties to provide initial
20 telephonic or video consultation services, managing and supervising
21 attorneys of the office of public defense who meet applicable public
22 defense qualifications may provide limited short-term coverage for
23 the consultation services if office of public defense contracted
24 counsel is unavailable to provide the consultation services. The
25 office shall provide services in a manner consistent with the rules
26 of professional conduct, chapter 42.52 RCW, and applicable policies
27 of the office of public defense.

28 (3) The office of public defense may facilitate and supervise
29 placement of law clerks, externs, and interns with office of public
30 defense contracted counsel, in a manner consistent with the
31 Washington admission and practice rules, the rules of professional
32 conduct, chapter 42.52 RCW, and applicable policies of the office of
33 public defense.

34 (4) Employees of the office of public defense may provide pro
35 bono legal services in a manner consistent with the rules of
36 professional conduct, chapter 42.52 RCW, and applicable policies of
37 the office of public defense. The policies of the office of public
38 defense must require that employees providing pro bono legal services

1 obtain and provide to the office a written statement, signed by any
2 pro bono client, acknowledging that:

3 (a) The pro bono legal services are provided by the employee
4 acting in the employee's personal capacity and not as an employee of
5 the office of public defense; and

6 (b) The state of Washington may not be held liable for any claim
7 arising from the provision of pro bono legal services by the
8 employees of the office of public defense.

9 The office of public defense shall retain the written statements
10 in a manner consistent with records relating to potential conflicts
11 of interest.

12 (5) The office of public defense shall provide public defense
13 services for indigent persons qualified for appointed counsel in
14 involuntary commitment cases under chapter 71.05 RCW at the request
15 of the health care authority on behalf of a county, either directly
16 or by contracting with persons admitted to practice law in this state
17 or organizations that employ persons admitted to practice law in this
18 state, using funds provided by the county pursuant to RCW 71.05.110.

19 (6) The office of public defense may provide direct
20 representation of indigent adult or juvenile offenders who have a
21 right to counsel at state expense to prosecute or respond to a
22 collateral attack pursuant to RCW 10.73.150 and 2.70.020(1)(b).

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