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**SENATE BILL 5914**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senators Torres, Trudeau, Bateman, Dozier, and Nobles

Prefiled 12/17/25. Read first time 01/12/26. Referred to Committee on Law & Justice.

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

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

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

7 (1) The Washington state office of public defense shall disburse  
8 appropriated funds to counties and cities for the purpose of  
9 improving the quality of public defense services. ~~((Counties may  
10 apply for up to their pro rata share as set forth in RCW 10.101.060  
11 provided that counties conform to application procedures established  
12 by the office of public defense and improve the quality of services  
13 for both juveniles and adults. Cities may apply for moneys pursuant  
14 to the grant program set forth in RCW 10.101.080.))~~

15 (2) In order to receive appropriated funds under RCW 10.101.060,  
16 each ~~((applying))~~ county or city must ~~((require))~~;

17 (a) Require that attorneys providing public defense services  
18 attend training approved by the office of public defense at least  
19 once per calendar year ~~((Each applying county or city shall  
20 report))~~;

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

10        (c) To the extent practicable, provide documentation to the  
11 office of public defense demonstrating that attorneys providing  
12 public defense services are in compliance with the Washington supreme  
13 court standards for indigent defense; and

14        (d) Require attorneys appointed to represent public defense  
15 clients to record and report the amount of time and type of activity  
16 on which the attorney worked per case to their public defense  
17 administrator. The Washington state bar association shall work with  
18 the Washington state office of public defense to publish public  
19 defense time tracking guidelines.

20        (3) Nothing in this section shall be construed to require  
21 disclosures that would violate the rules of professional conduct.

22        NEW SECTION. Sec. 2. A new section is added to chapter 10.101  
23 RCW to read as follows:

24        (1) All funds appropriated for the cost of public defense  
25 services in cities and counties as specified in RCW 10.101.050 must  
26 be appropriated in the following manner:

27        (a) Beginning in fiscal year 2027, the state shall appropriate  
28 funds for not less than 10 percent of the cost of public defense  
29 services;

30        (b) In fiscal year 2028, the state shall appropriate funds for  
31 not less than 15 percent of the cost of public defense services;

32        (c) In fiscal year 2029, the state shall appropriate funds for  
33 not less than 20 percent of the cost of public defense services;

34        (d) In fiscal year 2030, the state shall appropriate funds for  
35 not less than 25 percent of the cost of public defense services;

36        (e) In fiscal year 2031 and thereafter, the state shall  
37 appropriate funds for not less than 30 percent of the cost of public  
38 defense services.

1 (2) (a) The office of public defense shall determine the cost of  
2 public defense services annually, based on an average of actual  
3 expenditures for public defense services reported by counties and  
4 cities for the previous two years.

5 (b) Counties and cities shall annually provide information on the  
6 actual expenditures for public defense services to the office of  
7 public defense.

8 **Sec. 3.** RCW 10.101.060 and 2005 c 157 s 4 are each amended to  
9 read as follows:

10 (1) ~~((a))~~ Subject to the availability of funds appropriated for  
11 this purpose, the office of public defense shall disburse to  
12 ~~((applying))~~ all counties and cities that meet the requirements of  
13 ~~((RCW 10.101.050))~~ this chapter designated funds under this chapter  
14 on a pro rata basis pursuant to the formula set forth in ~~((RCW~~  
15 ~~10.101.070 and shall disburse to eligible cities, funds pursuant to~~  
16 ~~RCW 10.101.080))~~ subsection (3) of this section. Each fiscal year for  
17 which it receives state ~~((funds))~~ reimbursement under this chapter, a  
18 county or city must document to the office of public defense that it  
19 is meeting the ~~((standards for provision of indigent defense services~~  
20 ~~as endorsed by the Washington state bar association or that the funds~~  
21 ~~received under this chapter have been used to make appreciable~~  
22 ~~demonstrable improvements in the delivery of public defense services,~~  
23 ~~including the following:~~

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

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

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

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

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

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

11 ~~(b) The cost of providing counsel in cases where there is a~~  
12 ~~conflict of interest shall not be borne by the attorney or agency who~~  
13 ~~has the conflict)) Washington supreme court standards for indigent~~  
14 ~~defense.~~

15 (2) The office of public defense shall monitor trial level  
16 criminal public defense services to determine eligibility of counties  
17 and cities to receive state funds under this chapter. If a  
18 determination is made that a county or city receiving state funds  
19 under this chapter did not substantially comply with this section,  
20 the office of public defense shall notify the county or city of the  
21 failure to comply and unless the county or city contacts the office  
22 of public defense and substantially corrects the deficiencies within  
23 ~~((ninety))~~ 90 days after the date of notice, or some other mutually  
24 agreed period of time, the county's or city's eligibility to continue  
25 receiving funds under this chapter is terminated. If an applying  
26 county or city disagrees with the determination of the office of  
27 public defense as to the county's or city's eligibility, the county  
28 or city may file an appeal with the advisory committee of the office  
29 of public defense within ~~((thirty))~~ 30 days of the eligibility  
30 determination. The decision of the advisory committee is final.

31 (3) (a) The moneys under RCW 10.101.050 shall be distributed to  
32 each county and city determined to be eligible under this section by  
33 the office of public defense.

34 (b) The office of public defense shall establish policies for the  
35 distribution of appropriated funds to eligible counties and cities  
36 that meet the use requirements of this section. Such policies shall  
37 prioritize counties with the largest trial level criminal public  
38 defense services backlogs and most vacancies of public defenders

1 until the disbursements meet or exceed the pro rata share of the  
2 applying county or city as outlined in RCW 10.101.070.

--- **END** ---