

SENATE BILL REPORT

SSB 6189

As Passed Senate, February 9, 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: Government Operations: 1/16/96 [DP].

Ways & Means: 1/31/96, 2/6/96 [DPS].

Passed Senate, 2/9/96, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Diane Smith (786-7410)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6189 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Steve Jones (786-7440)

Background: Indigent criminal defendants are provided legal counsel at public expense. At the trial level, the public defender program is administered by the county governments. On appeal, legal assistance for indigents is funded through the Administrator for the Courts. Administration of indigent defense cases at the appellate level is managed by each of the three divisions of the Court of Appeals.

Summary of Bill: The office of public defense is created as an independent part of the judiciary.

A director is appointed by the Supreme Court from those people meeting specified qualifications. The director is given the powers and authority to administer all appellate

criminal indigent defense services. The director is supervised by and acts under the direction of an 11-member advisory committee which serves without compensation other than travel and expense reimbursement.

The office is directed to periodically report to the Legislature on the standards of indigency used by all state programs.

Provisions are made for the transfer of personnel, files, support equipment, furniture and funds from the Supreme Court and office of the Administrator for the Courts. The office of public defense is subject to termination on June 30, 2000, subject to a sunset review.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill consolidates staff from three different locations into one office. The money comes from the public safety education account, not the general fund. Daily influence of judges is removed. The standard of indigency will be reviewed. This change can be done quickly with minimal cost.

Testimony Against: None.

Testified: Senator Haugen, prime sponsor (pro); Mary McQueen, OAC (pro).

House Amendment(s): The directive that the 11-member advisory committee reflect diversity in gender and race and be geographically representative of the state is removed.