
HOUSE BILL 2031

State of Washington 65th Legislature 2017 Regular Session

By Representatives Appleton, Stokesbary, Kilduff, and McDonald

1 AN ACT Relating to the funding of public defense services;
2 amending RCW 10.101.050 and 10.101.060; creating a new section;
3 repealing RCW 10.101.070 and 10.101.080; and providing a contingent
4 effective date.

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

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

8 The state shall fully fund public defense services. The
9 Washington state office of public defense shall ~~((disburse~~
10 ~~appropriated funds to))~~ reimburse counties and cities for ~~((the~~
11 ~~purpose of improving the quality of))~~ public defense services
12 provided. Counties and cities may apply for ~~((up to their pro rata~~
13 ~~share as set forth in RCW 10.101.060 provided that counties conform~~
14 ~~to application))~~ reimbursement of the funds expended in the previous
15 year through procedures established by the office of public defense
16 ~~((and improve the quality of services for both juveniles and adults.~~
17 ~~Cities may apply for moneys pursuant to the grant program set forth~~
18 ~~in RCW 10.101.080. In order to receive funds))~~. In addition to filing
19 an application for reimbursement with the office of public defense,
20 each ~~((applying))~~ county or city must by September 1, 2017, and
21 annually by September 1st thereafter:

1 (1) Require that attorneys providing public defense services
2 attend training approved by the office of public defense at least
3 once per calendar year(~~((. Each applying county or city shall))~~);

4 (2) Report to the office of public defense the expenditure for
5 all public defense services in the previous calendar year, as well as
6 case statistics for that year, including per attorney caseloads, and
7 shall provide a copy of each current public defense contract to the
8 office of public defense (~~((with its application.))~~);

9 (3) Collect from each individual or organization that contracts
10 to perform public defense services for a county or city (~~((shall~~
11 ~~report to the county or city))~~) the hours billed for nonpublic defense
12 legal services in the previous calendar year, including number and
13 types of private cases, and submit this information to the office of
14 public defense.

15 **Sec. 2.** RCW 10.101.060 and 2005 c 157 s 4 are each amended to
16 read as follows:

17 (1)(a) (~~((Subject to the availability of funds appropriated for~~
18 ~~this purpose,))~~) The office of public defense shall ((disburse to))
19 reimburse applying counties and cities that meet the requirements of
20 RCW 10.101.050 ((designated)) for funds expended under this chapter
21 ~~((on a pro rata basis pursuant to the formula set forth in RCW~~
22 ~~10.101.070 and shall disburse to eligible cities, funds pursuant to~~
23 ~~RCW 10.101.080))~~ for the provision of public defense services. (~~((Each~~
24 ~~fiscal year for which it receives state funds under this chapter))~~)
25 Prior to reimbursement, a county or city must, by September 1, 2017,
26 and annually by September 1st thereafter, document to the office of
27 public defense that it is meeting the standards for provision of
28 indigent defense services as endorsed by the Washington state bar
29 association or that the funds received under this chapter have been
30 used to make appreciable demonstrable improvements in the delivery of
31 public defense services, including the following:

32 (i) Adoption by ordinance of a legal representation plan that
33 addresses the factors in RCW 10.101.030. The plan must apply to any
34 contract or agency providing indigent defense services for the county
35 or city;

36 (ii) Requiring attorneys who provide public defense services to
37 attend training under RCW 10.101.050;

38 (iii) Requiring attorneys who handle the most serious cases to
39 meet specified qualifications as set forth in the Washington state

1 bar association endorsed standards for public defense services or
2 participate in at least one case consultation per case with office of
3 public defense resource attorneys who are so qualified. The most
4 serious cases include all cases of murder in the first or second
5 degree, persistent offender cases, and class A felonies. This
6 subsection (1)(a)(iii) does not apply to cities (~~((receiving funds~~
7 ~~under RCW 10.101.050 through 10.101.080))~~);

8 (iv) Requiring (~~((contracts))~~) counties and cities to (~~((address the~~
9 ~~subject of compensation))~~) account for expenditures related to
10 extraordinary cases;

11 (v) Identifying (~~((funding))~~) what portion of public defense costs
12 are used specifically for the purpose of paying experts (A) for which
13 public defense attorneys may file ex parte motions, or (B) which
14 should be specifically designated within a public defender agency
15 budget;

16 (vi) Identifying (~~((funding))~~) what portion of public defense costs
17 are used specifically for the purpose of paying investigators (A) for
18 which public defense attorneys may file ex parte motions, and (B)
19 which should be specifically designated within a public defender
20 agency budget.

21 (b) The cost of providing counsel in cases where there is a
22 conflict of interest shall not be borne by the attorney or agency who
23 has the conflict.

24 (2) The office of public defense shall determine eligibility of
25 counties and cities to (~~((receive state funds))~~) be reimbursed under
26 this chapter. If a determination is made that a county or city
27 (~~((receiving state funds under this chapter))~~) did not substantially
28 comply with this section, the office of public defense shall notify
29 the county or city of the failure to comply and unless the county or
30 city contacts the office of public defense and substantially corrects
31 the deficiencies within ninety days after the date of notice, or some
32 other mutually agreed period of time, the county's or city's
33 eligibility to continue receiving funds under this chapter is
34 terminated. If an applying county or city disagrees with the
35 determination of the office of public defense as to the county's or
36 city's eligibility, the county or city may file an appeal with the
37 advisory committee of the office of public defense within thirty days
38 of the eligibility determination. The decision of the advisory
39 committee is final.

1 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 10.101.070 (County moneys) and 2005 c 157 s 5; and

4 (2) RCW 10.101.080 (City moneys) and 2007 c 59 s 1 & 2005 c 157 s
5 6.

6 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect upon
7 the implementation of the reimbursement program described in sections
8 1 and 2 of this act.

9 NEW SECTION. **Sec. 5.** The office of public defense must provide
10 written notice to the office of the code reviser when the
11 reimbursement program is implemented.

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