

Date of Hearing: April 20, 2021

Chief Counsel: Gregory Pagan

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 625 (Arambula) – As Amended March 25, 2021

**SUMMARY:** Directs the State Public Defender to undertake a study to determine the appropriate ratio of public defenders and indigent defense attorneys to misdemeanor and felony indigent defendants and submit a report with their findings and recommendations to the Legislature no later than January 1, 2024.

**EXISTING LAW:**

- 1) Provides that there is established in the Office of Emergency Services (OES), a program of financial assistance to provide for statewide programs of education, training, and research for local public prosecutors and public defenders. All funds made available to the office for education and training shall be administered by the Director of OES. (Pen. Code, § 11501, subd. (a).)
- 2) States that the Director of OES is authorized to allocate and award funds to public agencies or private nonprofit organizations for the purpose of establishing statewide programs of education, training, and research for public prosecutors and public defenders, which programs meet specified criteria. (Pen. Code, § 11501, subd. (b).)
- 3) Provides that the criteria for selection of education, training, and research programs for local public prosecutors, and public defenders shall be developed by the OES in consultation with an advisory group entitled the Prosecutors and Public Defenders Education and Training Advisory Committee, as specified. (Pen. Code, § 11502, subd. (a).)
- 4) States that the Governor shall appoint a State Public Defender, subject to confirmation by the Senate. The State Public Defender shall be a member of the State Bar, shall have been a member of the State Bar during the five years preceding appointment, and shall have had substantial experience accused or convicted persons in criminal or juvenile proceedings during that time. (Gov. Code, § 15400.)
- 5) Provides that the State Public Defender shall be appointed for a term of four years commencing on January 1, 1976, and shall serve until the appointment of his or her successor. Any vacancy shall be filled for the balance of the unexpired term, and the State Public shall receive a salary, as specified. (Gov. Code, § 15401.)
- 6) States that the State Public Defender may employ deputies and other employees, contract with county public defenders, private attorneys, and nonprofit corporations and establish and operate offices as they may need for the proper performance of their duties. The State Public Defender may provide for participation by those attorneys and organizations in the performance of the State Public Defender duties. The attorneys and organizations shall serve

under the supervision and control of the State Public Defender and shall be compensated for their services, as specified. The State Public Defender may also enter into reciprocal or mutual assistance agreements with the board of supervisors of one or more counties to provide for the exchange of personnel on a temporary basis to perform public defender duties in a county where the public defender has properly refused to represent a party because of a conflict of interest. (Gov. Code, § 15402.)

- 7) Provides that the State Public Defender shall formulate plans for the representation of indigent defendants in the Supreme Court and in each appellate district, as specified. Each plan shall be adopted on the approval of the court to which the plan is applicable. Any such plan may be modified or replaced by the State Public Defender with the approval of the court to which the plan is applicable. (Gov. Code. § 15403.)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "Despite the U.S. and California Constitutions guaranteeing the right to counsel, in many places economically disadvantaged defendants are not represented or are underrepresented. Indigent defendants are often forced to wait in jail for long periods of time before their sentencing. Public defenders or assigned counsel are too often forced to oversee countless numbers of cases at once, giving short shrift to investigation, case preparation, and legal research. They often meet their clients for the first time minutes before critical proceedings. Moreover, prosecutors are frequently equipped with greater resources and larger staffs than that of public defenders. Access to an attorney means little if they lack the time, resources, or skills to be an effective advocate. The absence of strong, well-resourced indigent defense systems offends the U.S. and California Constitutions, leads to deeply unfair results, and contributes to our overburdened jail and prison systems. AB 625 will improve California's indigent defense systems to ensure quality representation for all defendants, regardless of income or social status."
- 2) **Argument in Support:** According to the *California Attorneys for Criminal Justice*, "AB 625 would direct the State Public Defender to study the indigent defendant caseloads of public defenders and defense attorney. The caseloads of public defenders and indigent defense attorneys are notoriously large. Attorneys handling caseloads of upwards of 100 cases at a time is not unheard of, prosecutors get all of the resources, putting public defenders in a position to do more with less. Public defenders must work day and night to protect the constitutional rights of the accused and deserve sufficient resources. CACJ believes that the responsibility and the work that a public defender does deserves full and adequate funding.

"AB 625 will further shed light on these issues by requiring to undertake a study to determine the appropriate ratio of public defenders and indigent defense attorneys to misdemeanor and felony indigent defendants. This study will hopefully lead to greater resources being devoted by the state to indigent defense."

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Attorneys for Criminal Justice

**Opposition**

None

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