

Date of Hearing: April 15, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 2605 (Arambula) – As Amended April 8, 2026

SUBJECT: State Public Defender: county public defenders: data collection

SUMMARY: Requires county boards of supervisors and the Office of the State Public Defender (State Public Defender) to collect and report specified information on public defense services. Specifically, **this bill:**

- 1) Requires the board of supervisors of each county to specify a contact person for the office of the public defender and collect the following information on public defense services provided in the county, including, but not limited to, all of the following:
 - a) Type of primary and conflict public defense systems used.
 - b) Method and timing of case assignment.
 - c) Budget and expenditures on public defense.
 - d) Funded and filled public defense positions by type.
 - e) The number of cases assigned to the public defense system.
- 2) Requires the data collected by a county pursuant to this bill to be reported to the State Public Defender every two years beginning on January 1, 2029.
- 3) Requires the State Public Defender to create and post on its internet website a summary report of the information reported to it pursuant to this bill.
- 4) Requires, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made, as specified.

EXISTING LAW:

- 1) Allows the board of supervisors of any county to establish the office of public defender for the county. Any county may join with one or more counties to establish and maintain the office of public defender to serve such counties. [Government Code (GOV) § 27700]
- 2) Establishes the State Public Defender, appointed by the Governor and confirmed 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 in the representation of accused or convicted persons in criminal or juvenile proceedings during that time. (GOV § 15400)

- 3) States the State Public Defender shall be appointed for a term of four years commencing on January 1, 1976, and shall serve until the appointment and qualification of their successor. Any vacancy shall be filled for the balance of the unexpired term. (GOV § 15401)
- 4) 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 § 15402)
- 5) Requires the State Public Defender, in consultation with the California Public Defenders Association, to conduct a study to assess the workload of public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature by January 1, 2024. (GOV § 15403)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires the board of supervisors of each county to specify a contact person for the office of the public defender and collect the information on public defense services provided in the county, including, but not limited to, the following:
 - a) Type of primary and conflict public defense systems used.
 - b) Method and timing of case assignment.
 - c) Budget and expenditures on public defense.
 - d) Funded and filled public defense positions by type.
 - e) The number of cases assigned to the public defense system.

This data must be reported to the State Public Defender every two years beginning January 1, 2029. The State Public Defender must create and post on its internet website a summary report of the information reported to it by each county.

This bill is sponsored by the author.

- 2) **Author's Statement.** According to the author, "California's longstanding issues providing public defense to individuals accused of crimes has a real cost to some of the state's poorest and most under-resourced counties. Though the Sixth Amendment enshrines the right to

counsel for defendants in criminal prosecution, the state does not currently collect data on how this public defense is provided at a county level.

“Most other states appropriate significant funding for public defense services and California is an outlier in shifting this responsibility to the local level. This has created an overburdened and underfunded system wherein rural, low-income communities are overlooked and defendants are routinely convicted without appropriate investigation into the charges being made. AB 2605 requires that the Office of the State Public Defender work with counties to collect data on the type of primary and conflict public defense system used, method and timing of case assignment, funded and filled public defense positions by type, and budget/expenditure information.”

- 3) **Background.** AB 625 (Arambula), Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to conduct a study to assess the workload of public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature by January 1, 2024.

According to a summary of the AB 625 report:

“California is one of only three states in the country with no statewide oversight or standards for its public defense systems. To assess the current workload and staffing of California public defense providers and to provide recommendations of the needed staffing standards in today’s public defense systems, the experts at the Deason Center conducted a comprehensive literature review, convened an Advisory Group, conducted site visits to nine California counties, held ten focus groups, and surveyed California’s chief public defenders. The report incorporates the recently published National Public Defense Workload Standards published by RAND and the American Bar Association.

“The Deason Center found that California’s public defense attorneys are almost universally burdened by excessive workloads. The best available data demonstrates that public defense attorneys’ caseloads far exceed nationally recommended standards. The Deason Center also found that public defense providers in California lack the investigators, social workers, paralegals, and administrative assistants necessary to efficiently and effectively represent their clients.

“The report addresses the problems in California’s less-populous, more rural counties, which include decreasing attorney availability in counties that incarcerate individuals at a higher rate, pointing to what will become a growing problem. The report makes recommendations based on expert analysis of the data and public defense standards. These recommendations include:

- Standards to both limit attorney workloads and ensure appropriate support staffing for public defense providers
- Funds for California’s public defense programs to ensure that they can meet standards
- Protection of public defense offices and independent providers who decline case appointments due to excessive workload

- Attorney recruitment and retention support, particularly for small and rural counties facing attorney deserts
 - Requiring counties to regularly report data on public defense services.”
- 4) **Previous Legislation.** SB 485 (Reyes) would have allowed an appointed public defender to be removed from office by a county board of supervisors by a three-fifths vote for neglect of duty, malfeasance or misconduct in office, or other good cause. This bill was vetoed with the following message:

“I appreciate the importance of protecting public defenders from undue political interference, as their role sometimes requires taking unpopular positions to fulfill their legal and ethical duties to their clients. That said, I have not been presented with evidence that California's current system in any way impairs the effectiveness or independence of public defenders. Proponents only cite a handful of examples from other states of public defenders being removed from office for controversial advocacy.

“Further, since the law does not place term limits on public defenders, this bill may ultimately make it unduly difficult to replace public defenders for legitimate reasons and leave incumbents entrenched, which I do not support. For these reasons, I cannot sign this bill.”

AB 625 (Arambula), Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to conduct a study to assess the workload of public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature by January 1, 2024.

- 5) **Arguments in Support.** None on file.
- 6) **Arguments in Opposition.** The Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the Urban Counties of California (UCC) write in opposition, “...we must regretfully oppose Assembly Bill 2605 (Arambula) unless amended to include a full and ongoing state appropriation to support its implementation. This bill would create new reporting requirements for counties in relation to public defense services.

“The California and U.S. Constitution enshrine the right to effective assistance of legal counsel and equal protection through due process for all criminal defendants. Thus, the government is required to provide access to attorneys and pay for the cost of representation for those who cannot afford counsel. In California, the state has delegated to counties the responsibility of both funding and administering indigent defense services at the trial court level. Counties have the authority and flexibility to design systems that best suit local needs. However, California is one of only four states that do not provide full or partial funding to counties for the delivery of this constitutionally mandated service. Counties, particularly small and rural counties, simply cannot absorb additional ongoing state-mandated costs without state funding.

“AB 2605 would impose new reporting requirements on counties regarding the type of public defense system utilized, detailed information on case assignments, budgeting and

expenditures, employment data, and case management data, creating additional administrative burdens without providing the necessary resources to support compliance. While data is critical in evaluating the efficacy of any program or system, these new requirements would divert limited local resources away from essential county services, including the provision of constitutionally mandated legal representation.

“Local government budgets are increasingly constrained by a combination of effectively static or decreasing local revenues and ever-rising local costs and unfunded state mandates. Most notably, counties are also facing a looming fiscal crisis associated with the implementation of H.R. 1, which is expected to increase demands on county safety net programs and indigent health services in the tune of up to \$9.5 billion annually for counties alone. H.R. 1 and other state and federal policy decisions, over which local governments have no control, are crippling the ability of counties to continue to deliver high quality services on behalf of the state and federal government. While a portion of these costs may be recovered through the Commission on State Mandates, the process is lengthy, requires significant staff time and resources, and if approved by the commission, counties are rarely funded at an adequate level. As such, we respectfully request this bill be amended to include an appropriation of funds sufficient to cover the full costs that local governments will incur for implementation.”

7) **Double-Referral.** This bill is double-referred to the Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)
Urban Counties of California (UCC)

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