

Date of Hearing: April 21, 2026

Counsel: Mary Kennedy

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

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

SUMMARY: Requires the board of supervisors for any county that has established the office of the public defender to collect specified information on public defense services provided in the county and to submit that information to the State Public Defender every two years. Specifically, **this bill:**

- 1) Provides that the board of supervisors each county specify a contact person for the office of the public defender and collect the following information from the office every two years:
 - 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) Provides that the data collected by a county shall be reported to the Office of the State Public Defender every two years beginning on January 1, 2029.
- 3) Provides that the Office of the State Public Defender shall create and post on its internet website a summary report of the information reported to it pursuant to this bill.

EXISTING LAW:

- 1) Provides that the Governor shall appoint a State Public Defender, subject to confirmation by the Senate and sets forth the eligibility requirements and duties of the State Public Defender. (Gov. Code, § 15400 et seq.)
- 2) Provides that the board of supervisors of any county may establish the office of public defender for the county and sets for the duties for a county public defender. (Gov. Code, § 27700, et seq)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **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, number of cases assigned to the public defense system, method and timing of case assignment, funded and filled public defense positions by type, and budget/expenditure information.”

- 2) **AB 625 (Arambula) Report:** AB 625 (Arambula) Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report no later than January 1, 2024. The report found that while “the vast majority of California’s public defense attorneys are devoted to their profession” they are “almost universally burdened by excessive workloads” and “lack support staff-investigators, social workers, paralegals and administrative assistants-necessary to efficiently and effectively represent their clients.” The report also found that the “situation is often worse in less populous more rural counties.”

The report made a number of recommendations including: limiting attorney workloads; requiring appropriate staffing; and providing attorney recruitment and retention support, particularly in rural counties.

The report also specifically suggested that to “assess public defense workloads and staffing sufficiency, the state must regularly collect reliable data on public defense. At present, the state collects some staffing data from counties with public defender offices, but no staffing data from counties relying on contract or assigned counsel public defense systems. And the state collects no data at all on public defense caseloads. To better understand and assess California’s public defense systems, the state should regularly collect data on public defense services from all counties:

- Require counties to submit annual public defense plans that detail how the county provides defense services and reports staffing levels.
- Provide funding to increase data collection capacity and enable compliance with data reporting requirements.
- Increase the data reporting requirements over time to include caseloads by case type categories.
- Make aggregated data available to the public. (California Public Defense Workloads and Staffing, SMU Dedman School of Law p. 2-5)

- 3) **Information on Public Defender services:** The Public Defender of a county is appointed by the board of supervisors to provide criminal defense services to people who are not able to financially employ counsel. (Gov. Code, § 27706) Some counties the public defender is a county employee in other counties the Board of Supervisors contracts with a private firm to

provide public defender services. Counties also have either a list of attorneys or a second office to deal with issues where the Public Defender's Office can't take a case because of a conflict.

This bill requires county public defenders to provide information on what type of primary and conflict systems used; method and timing of case assignment; budget and expenditures on public defense; funded and filled defense positions by type; and the number of cases assigned to the public defense system. The information will be provided to the state public defender every two years.

Most of the information required to be submitted addresses issues with the type of office and budget or caseload. It is unclear why data on method of case assignment would be relevant for data collection and how an office would even report that information.

- 4) **Data collected submitted to Office of the State Public Defender and released online:** The information required to be submitted by the county must be submitted to the State Public Defender and then the State Public Defender shall report a summary of the information on their website.

The State Public Defender focuses on post-conviction proceedings in criminal cases. Are they the proper collector of this information? It was recommended in the Report on Public Defense Workloads that data collected be made public but what is meant to be gained by posting this information online? Does it help the general public?

- 5) **Argument in Support:** According to *The Wren Collective*,

“AB 2605 is essential to reforming our public defense system

“Our extensive research on California public defense shows that AB 2605 does two key things: 1) it provides a uniform way of tracking public defense caseloads throughout the state and, 2) does so in a way that places minimal to no burdens on local practice.

“Caseload data is urgently needed

“Uniform and reliable caseload data is urgent. As outlined below, many counties actually do have this information in some form, but it is not uniformly collected or reported. Our own research has found counties operating where lawyers have, by our best estimates, over 400 or 500 cases a year, including full felony caseloads. Recent reports by the Office of the State Public Defender, the Sixth Amendment Center, and a recent CalMatters exposé all found evidence of disturbingly high caseloads in at least 6 specific counties. The AB 625 Report cited 7 counties that had so many cases that their defense institutions had to decline new clients (p. 156).

“And that report was not the first warning that a lack of consistent caseload data collection was a problem. The Legislative Analyst's Office raised the same issue in 2022 (p 8). The California Commission on the Fair Administration of Justice, made up of top law enforcement officials around the state, did so in 2008 (p. 96-98). The State Bar of California raised the issue in 2006 (p. 33). And it has long been a tenant of the American Bar Association and National Legal Aid & Defender Association.

“The law places minimal burdens on counties

“The law is also crafted to be modest, with due consideration of the existing burdens of counties. The AB 625 Report recommended 9 specific data points for collection (p. 85-86), while AB 2605 is limited to 5, several of which counties already track yearly as part of their budgeting process. The caseload data exists in some non-uniform way in most counties. Counties in California that have institutional defenders and many jurisdictions that rely on private contractors, use case management systems where reporting the total number of cases would be straightforward.

“Those counties that do not have those systems would *not* be required to implement them to comply with AB 2605, because they either 1) are collecting that data in the form of monthly or quarterly or annual reports on opened or closed cases or 2) the terms of their contracts with private attorneys require those lawyers to either track their caseloads or not take on excessive cases, and make their records subject to county audits. Attorneys, writ large, are responsible under existing ethical rules for managing their own caseloads and ensuring they are not handling excessive caseloads. This applies to private contractors under every indigent defense contract in the state, such that the cost of reporting that information is largely already borne by the contractors, in those cases where the data is not already readily accessible, discussed above.

“Simply put, AB 2605 would be an important step forward to bringing our public defense system up to code by implementing a uniform caseload reporting system that is long overdue.

“Public defenders are vital to protecting the civil rights of all Californians. And in an environment where the federal government is using low-level criminal charges to widen the net of its horrific mass deportation, even for those who have been in the country for decades with lawful status, it is urgent that we shore up public defense in our state.”

- 6) **Argument in Opposition:** The *California State Association of Counties*, “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.

“For these reasons, RCRC, CSAC, and UCC must oppose AB 2605 as currently drafted. If you should have any questions, please do not hesitate to contact us.”

- 7) **Prior Legislation:** AB 625 (Arambula) Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report no later than January 1, 2024.

REGISTERED SUPPORT / OPPOSITION:

Support

Wren Collective

Opposition

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

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