

## ASSEMBLY THIRD READING

AB 2605 (Arambula)

As Amended May 18, 2026

Majority vote

**SUMMARY**

Requires, upon appropriation by the Legislature, the board of supervisors of each county to collect specified information on public defense services provided in the county and to submit that information to the Office of the State Public Defender every two years, beginning on January 1, 2029.

**Major Provisions**

- 1) Requires the board of supervisors of each county to specify a contact person with the applicable oversight and collect the following information on public defense services provided in the county, including, but not limited to, all of the following:
  - a) Brief explanation of whether the public defense system is a public defender (PD), an alternate public defender (APD), a private attorney program, or a combination of any of those systems.
  - b) Method and timing of case assignment.
  - c) Budget and expenditures for each PD, APD, or private attorney system.
  - d) Funded and filled public defense positions by type, including PD attorney positions, APD attorney positions, and number of active private attorneys in private attorney programs.
  - e) The number of cases assigned to each PD, APD, or private attorney system specifying the number of homicide, other felony, and misdemeanor cases in adult and juvenile court.
  - f) Description of the compensation model for each PD, APD, or private attorney program.
- 2) Requires the data collected by a county pursuant to this bill to be reported to the Office of the State Public Defender every two years beginning on January 1, 2029, and requires any reporting procedures established by the office to account for structural differences between counties.
- 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 this bill to become operative upon appropriation by the Legislature for these purposes.

**COMMENTS**

Existing law requires the Governor to appoint a State Public Defender, subject to confirmation by the Senate, and sets forth the eligibility requirements and duties of the State Public Defender. The purpose of the office is to handle direct appeals of death penalty cases. Any defendant convicted and sentenced to death in California is granted an automatic appeal to the California

Supreme Court. A deputy state public defender is appointed as representation free of cost. The office has authority to contract with other indigent defense counsel, county public defender offices and non-profit organizations in performance of their duties.

Existing law 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. The public defender provides criminal defense services to people who are not able financially to employ counsel. In 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.

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. 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 suggested:

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.

This bill implements this recommendation.

### **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.

### **Arguments in Support**

The California Attorneys for Criminal Justice write in support of a prior version of this bill, "Unlike many other states, that allocate primary funding to public defense, California's current public defense system is primarily funded by the responsibility of local counties. This in turn leaves a lot of low-income areas without access proper public defense services.

"Increasing transparency is critical to ensuring our public defense systems have adequate resources and run effectively. Public defenders are central to ensuring many people have access

to constitutional and due process rights, but the system does not currently have a way of ensuring these necessities are being provided, specifically those in low-income areas are being AB 2605 will help identify disparities within the system and where improvements can be made in the public defender system statewide. This bill promotes a more fair and effective justice system for all of California."

### **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 to a prior version of this bill, "...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."

### **FISCAL COMMENTS**

Subject to an appropriation by the Legislature for purposes of the bill:

- 1) Minor and absorbable General Fund costs to the Office of the State Public Defender to provide and post on its webpage a summary report every two years.

- 2) Ongoing costs to counties, potentially significant and in excess of \$150,000 statewide to collect and provide the required information to the State Public Defender. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

## VOTES

### **ASM LOCAL GOVERNMENT: 10-0-0**

**YES:** Carrillo, Ta, Johnson, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

### **ASM PUBLIC SAFETY: 9-0-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**ABS, ABST OR NV:** Hoover, Dixon, Ta, Tangipa

## UPDATED

VERSION: May 18, 2026

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