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# SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

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**Bill No:** AB 2605  
**Author:** Arambula  
**Version:** 5/18/26

**Hearing Date:** 6/17/26  
**Fiscal:** Yes  
**Consultant:** Peterson

## ***STATE PUBLIC DEFENDER: COUNTY PUBLIC DEFENDERS: DATA COLLECTION***

*Requires county boards of supervisors to collect data on public defenders and submit that data to the State Public Defender.*

### **Background**

***County governance.*** Counties fall into two types: “general law” and “charter.” General law counties are organized according to the generally applicable laws for county governance established by the Legislature that set the number, appointment, and election procedures for county officials, including the board of supervisors.

Charter counties have greater leeway to determine their own governance structure, including to elect additional supervisors, appoint or elect additional officers, and select the length of their terms. A new charter, or the amendment of an existing charter, may be proposed by the board of supervisors, a charter commission, or an initiative petition. There are 14 charter counties: Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Tehama. Most large counties are charter counties: eight of the ten largest counties by population have adopted charters.

All counties elect or appoint a variety of county officials. The California Constitution requires all counties to elect a sheriff, district attorney, assessor, and board of supervisors, and state law lists the officers general law counties must have. State law gives county boards of supervisors the authority to consolidate the duties of certain county offices by ordinance. Other county offices may be elected or appointed, like the public defender.

***Public defenders.*** To ensure individuals charged with a crime receive equal protection and due process under the law, the U.S. and California Constitutions guarantee the right to effective attorney assistance (unless knowingly and intelligently waived) to ensure that defendants in criminal proceedings receive equal protection under law and due process before being deprived of life or liberty. The U.S. Supreme Court’s decision in *Gideon v. Wainwright* (1963) found that the right to counsel is “fundamental and essential to fair trials” in the United States and that defendants who are too poor to hire attorneys cannot be assured of a fair trial unless attorneys are provided by the government, also known as indigent defense. The U.S. Supreme Court further noted that even an intelligent and educated person would be in danger of conviction due to a lack of skill and knowledge for adequately preparing a defense to establish innocence. As such, effective defense counsel is necessary to ensure a defendant has a fair trial against government-funded and trained prosecutors—irrespective of their income level. In many counties, this is accomplished through the establishment of a public defender’s office.

Of California's 58 counties, there are 34 public defender offices. Counties without a public defender office contract with law offices to provide indigent defense. Some counties share a public defender. When counties establish a public defender's office, the board of supervisors can elect to have an elected or appointed public defender. Of the state's 34 public defender offices, only San Francisco elects its public defender. Unlike county counsels, which can only be removed for neglect of duty, malfeasance or misconduct in office, or other good cause, an appointed public defender serves at the will of the board of supervisors (AB 1796, Watson, 1943), meaning the board can remove them for any reason.

In 1976, the Legislature created the State Public Defender to provide high quality legal representation to indigent defendants in appellate courts (SB 1018, Song). Over time, the State Public Defender increasingly focused on death penalty cases. In 2020, the Legislature expanded the State Public Defender's responsibilities beyond appellate work to include support for county-level public defense, enhancing attorney training, supporting county initiatives, and spearheading innovative defense strategies (SB 118, Committee on Budget and Fiscal Review.)

AB 625 (Arambula, 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, indigent defense attorneys, and contracted services, and submit a report with their findings and recommendations to the Legislature by January 1, 2024. Some of the key findings of the AB 625 report include:

- California is one of only three states without statewide oversight or standards for public defenders;
- California public defenders are almost universally burdened by excessive workloads that exceed nationally recommended standards; and
- California public defenders often lack the support staff necessary such as paralegals and investigators.

The report's recommendations include:

- Developing standards to both limit attorney workloads and ensure appropriate support staffing for public defense providers;
- Funds for public defenders so they can meet the new standards;
- Protection for public defenders who decline cases due to excessive workload;
- Attorney recruitment and retention support especially in small and rural counties; and
- Requiring counties to regularly report data on public defense.

The author wants to develop county reporting requirements for public defense.

### **Proposed Law**

Assembly Bill 2605 requires the board of supervisors of each county to specify a contact person with the appropriate access to public defense data to collect the following information:

- Whether the public defense system works through a public defender, alternative public defender, private attorney program, or a combination;
- The method and timing of case assignment;

- The budget and expenditures for the public defender, alternative public defender, and private attorney programs;
- Funded and filled positions by each of public defense type listed above;
- The number of cases assigned to each public defense type listed above and specified information on the types of cases they work on; and
- The compensation model for each public defense type.

The county must report this data to the State Public Defender every two years beginning on January 1, 2029. The State Public Defender must create and post a summary report of this information on its website.

AB 2605 also provides that these requirements only become operative if the Legislature appropriates funds for these purposes.

### Comments

1. Purpose of the bill. 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 public defense system being used, method and timing of case assignment, budget and expenditure information, funded and filled positions by type, number of cases assigned, and a description of the compensation model for each system being used.”

2. No free lunch. AB 2605 imposes significant new reporting requirements on counties when it comes to the public defender offices. This information then gets posted on the State Public Defender’s website. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 2605 imposes new duties on local agencies in terms of these additional reporting requirements, Legislative Counsel says it imposes a new state mandate. The measure states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, then reimbursement must be made pursuant to existing statutory provisions. This means the state will be on the hook to finance this data collection. Data collection can be a valuable tool to guide policymaking, but it can also be costly. There is little doubt that public defender’s offices are under resourced. The state may make better use of the resources it would take to implement AB 2605 by increasing funding for public defender offices.

3. Related legislation. SB 485 (Reyes, 2025) limited the authority of the county board of supervisors to remove an appointed public defender at will, instead requiring a three-fifths vote of the board for neglect of duty, malfeasance or misconduct in office, or other good cause. Governor Newsom vetoed the legislation with the following message:

“I am returning Senate Bill 485 without my signature.

“This bill would allow an appointed county public defender to be removed from office only upon a three-fifths vote of the board of supervisors and a showing of good cause.

“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.”

4. Coming and going. The Senate Rules Committee has ordered a double referral of AB 2605: first to the Committee on Local Government to hear issues related to local government, and second to the Committee on Public Safety.

**Assembly Actions**

Assembly Committee on Local Government:	10-0
Assembly Committee on Public Safety:	9-0
Assembly Committee on Appropriations:	11-0
Assembly Floor:	79-0

**Support and Opposition** (6/12/2026)

Support: None Submitted

Opposition: None Submitted

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