
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2605 (Arambula) - State Public Defender: county public defenders: data collection

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: L. GOV. 6 - 0, PUB. S. 6 - 0

Mandate: Yes

Consultant: Mark McKenzie

Bill Summary: AB 2605 would require each county to collect specified information and data on public defense services provided through a public defender, alternate public defender, and/or private attorney program in the county and to biennially report that data to the Office of the State Public Defender. These provisions would only be operative to the extent the Legislature appropriates funds for these purposes.

Fiscal Impact:

- Unknown, significant local costs for counties to collect and biennially report specified information on public defense services to the State Public Defender. These costs are likely to be reimbursable from the General Fund, subject to a determination by the Commission on State Mandates. Staff notes, however, that the mandated duties imposed upon counties would only be operative upon appropriation of funds by the Legislature, so the bill creates significant General Fund cost pressures to fund county costs to collect and report information on public defense services. See Staff Comments.
- The State Public Defender would incur minor one-time and ongoing costs to specify county reporting procedures, biennially receive county data, and post a summary report of this information on its website. (General Fund)

Background: 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. As such, effective defense counsel is necessary to ensure a defendant has a fair trial against government-funded and trained prosecutors, regardless of a defendant's income level.

Existing law authorizes a county board of supervisors to establish the office of public defender with either an elected or appointed public defender, and allows any county to join with one or more other counties to establish and maintain a joint office of public defender to serve those counties. Of California's 58 counties, there are 34 public defender offices, and counties without a public defender office contract with law offices to provide indigent defense. Of the state's 34 public defender offices, only San Francisco elects its public defender.

In 2022, the Legislative Analyst's Office (LAO) reported that local offices that provide indigent defense receive 82% less funding, on average, than prosecutorial offices. The LAO found that "[t]he state currently lacks comprehensive and consistent data that directly measures the effectiveness or quality of indigent defense across the state. This makes it difficult for the Legislature to ensure effective indigent defense is being provided."

Existing law, as enacted by AB 625 (Arambula), Chap. 583/2021, requires the State Public Defender, in consultation with the California Public Defenders Association and other subject matter experts, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys, and to submit a report with their findings and recommendations to the Legislature no later than January 1, 2024. The report found, among other things, that California is one of only three states without statewide oversight or standards for public defenders, public defenders are almost universally burdened by excessive workloads that exceed nationally recommended standards, and that public defenders often lack necessary support staff, such as paralegals and investigators. The report made a number of recommendations, including that the state should regularly collect data on public defense services from all counties. Specifically, the report recommended that the state should:

- 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.

Proposed Law: AB 2605 would require the board of supervisors of each county to specify a contact person with applicable oversight to collect information on public defense services provide in the county, including all of the following:

- A brief explanation of whether the public defense system is a public defender, an alternate public defender, a private attorney program, or a combination of these.
- The method and timing of case management.
- The budget and expenditures for the public defender, alternate public defender, or private attorney system.
- Funded and filled positions for each specified public defense type.
- The number of cases assigned to each public defender, alternate public defender, or private attorney system specifying the number of homicide, other felony, and misdemeanor cases in adult and juvenile court.
- A description of the compensation model for each public defense type.

The bill would require data collected by each county to be reported to the State Public Defender every two years beginning on January 1, 2029, and require the State Public Defender to create and post a summary report of this information on its website.

AB 2605 specifies that these requirements would only be operative upon appropriation of funds for these purposes.

Related Legislation: AB 625 (Arambula), Chap. 583/2021, required the State Public Defender, in consultation with the California Public Defenders Association and other subject matter experts and subject to an appropriation of funds by the Legislature, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys, and to submit a report with their findings and recommendations to the Legislature no later than January 1, 2024.

Staff Comments: This bill imposes a state-mandated local program by requiring each county to collect specified information and data on public defense services provided through a public defender, alternate public defender, or private attorney program in the county and to biennially report that data to the State Public Defender beginning on January 1, 2029. Local costs to comply with these requirements would likely be reimbursable from the state General Fund, subject to a determination by the Commission on State Mandates indicating what specific local duties and costs are reimbursable.

Staff notes, however, that the bill specifies that its requirements, including county data collection and reporting, would not be operative unless and until the Legislature appropriates funds for these purposes. This creates cost pressures to provide funding to cover the bill's costs, but this mechanism also raises several questions. It is unclear on the front end precisely how much funding would be necessary to fully fund local agency costs to comply with these requirements, and how individual amounts would be distributed to each county. It appears that a one-time appropriation of any amount could be made to trigger the operation of the bill's requirements, and budget language could be drafted to specify the method of distributing funds to counties or to provide for reimbursement of county costs (which could create additional costs for a state entity to administer and oversee such a process). If insufficient amounts are appropriated to fully offset each county's one-time and ongoing costs, counties could still submit claims for reimbursement of any deficiencies through the Commission on State Mandates. Ultimately, any costs imposed by the bill would be a General Fund expense, whether funding is provided through direct appropriations, or through mandate reimbursement claims following the Commission on State Mandates determination process.

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