
THIRD READING

Bill No: AB 2605
Author: Arambula (D), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 6-0, 6/17/26

AYES: Durazo, Choi, Arreguín, Cervantes, Laird, Seyarto

NO VOTE RECORDED: Ashby

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/30/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 79-0, 5/27/26 - See last page for vote

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

SOURCE: California Attorneys for Criminal Justice

DIGEST: This bill requires county boards of supervisors to collect data on public defenders and submit that data to the State Public Defender.

ANALYSIS:

Existing law:

- 1) Establishes counties, which 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.

- 2) Allows 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.
- 3) Establishes the office of the State Public Defender to provide high quality legal representation to indigent defendants in appellate courts. The State Public Defender also provides support for county-level public defense.

This bill:

- 1) 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:
 - a) Whether the public defense system works through a public defender, alternative public defender, private attorney program, or a combination;
 - b) The method and timing of case assignment;
 - c) The budget and expenditures for the public defender, alternative public defender, and private attorney programs;
 - d) Funded and filled positions by each of public defense type listed above;
 - e) The number of cases assigned to each public defense type listed above and specified information on the types of cases they work on; and
 - f) The compensation model for each public defense type.
- 2) Requires the county to 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.
- 3) Provides that these requirements only become operative if the Legislature appropriates funds for these purposes.

Background

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, meaning the board can remove them for any reason.

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, indigent defense attorneys, and contracted services, and submit a report with their findings and recommendations to the Legislature by January 1, 2024. The report made various recommendations, including requiring counties to regularly report data on public defense.

Comments

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.”

No free lunch. This bill 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 this bill 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 this bill by increasing funding for public defender offices.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- 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.
- 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)

SUPPORT: (Verified 8/14/26)

California Attorneys for Criminal Justice (source)
Responsive Gov Action
Smart Justice California, a Project of Beyond Impact

OPPOSITION: (Verified 8/14/26)

County of Fresno

ASSEMBLY FLOOR: 79-0, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Celeste Rodriguez

Prepared by: Jonathan Peterson / L. GOV. / (916) 651-4119
8/14/26 16:32:03

**** **END** ****