

CONCURRENCE IN SENATE AMENDMENTS

AB 2605 (Arambula)

As Amended July 2, 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.

Senate Amendments

Add a co-author and make a minor, technical change.

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, "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 across counties and provide information on 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 Fresno County Board of Supervisors writes, "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. 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."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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.
- 2) 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)

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

ASSEMBLY FLOOR: 79-0-1

YES: 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

ABS, ABST OR NV: Celeste Rodriguez

UPDATED

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