

ASSEMBLY THIRD READING  
ACR 159 (Kalra)  
As Introduced March 10, 2026  
Majority vote

## SUMMARY

Affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance.

### Major Provisions

- 1) States the Sixth and Fourteenth Amendments to the United States Constitution guarantee the right to counsel for criminal defendants who cannot afford an attorney, as recognized by the United States Supreme Court in *Gideon v. Wainwright* (1963) 372 U.S. 335;
- 2) States the California Constitution independently guarantees due process of law and the right to counsel in criminal proceedings; Section 15 of Article I of the California Constitution provides that a defendant in a criminal cause has the right to the assistance of counsel;
- 3) States that California statutory law implements and enforces this constitutional mandate, including subdivision (a) of Section 987 and related provisions of the Penal Code, which require the appointment of counsel for indigent defendants and establish the framework through which the state and counties fulfill the right to counsel;
- 4) States that these constitutional and statutory guarantees reflect California's longstanding commitment to the principle that justice must not depend on wealth, status, or access to private resources;
- 5) States that public defenders and other indigent defense providers are the means by which California meets its constitutional and statutory obligations to provide counsel to people who cannot afford to hire an attorney;
- 6) States that effective and meaningful representation is essential to due process, equal protection, and the legitimacy of the criminal legal system, and the right to counsel is not satisfied by the mere appointment of an attorney without adequate time, resources, and support;
- 7) States that public defenders safeguard constitutional rights by enforcing limits on government power, challenging unlawful searches and seizures, ensuring fair trials, protecting against wrongful convictions, and holding the government to its burden of proof;
- 8) States that by protecting the constitutional rights of their clients in individual cases, public defenders also protect the constitutional rights of everyone, strengthening the rule of law, preserving civil liberties, and reinforcing public confidence in democratic institutions;
- 9) States that there is a growing national consensus, supported by empirical research, that excessive workloads and chronic underresourcing prevent public defenders from providing constitutionally effective representation; the National Public Defense Workload Study 2023

establishes modern, data-driven workload measures demonstrating that prevailing caseloads in many jurisdictions far exceed levels consistent with effective representation;

- 10) States that in response to this research and longstanding concerns regarding excessive workloads, the Washington Supreme Court adopted new indigent defense caseload standards in 2025, to be implemented over time, recognizing that excessive caseloads threaten the right to effective assistance of counsel;
- 11) States that public defender offices across the nation, including in California, remain chronically understaffed and underresourced, often lacking sufficient attorneys, investigators, and support staff to meet constitutional obligations;
- 12) States that California's indigent defense system is primarily county-based, and the state does not provide comprehensive or reliable statewide funding to ensure that public defense systems are adequately staffed and resourced to meet constitutional standards;
- 13) States that funding for public defense in California is markedly lower than funding for prosecution, with counties collectively allocating substantially more resources to district attorney offices than to public defender offices, creating systemic imbalance in the adversarial process;
- 14) States that state-controlled funding mechanisms and grant programs have historically provided significantly greater support to prosecution-related functions than to indigent defense, reinforcing disparities and limiting counties' ability to achieve functional parity between prosecution and defense;
- 15) States that persistent underfunding and lack of parity undermine the fairness and reliability of the justice system, contribute to delays and inefficiencies, increase the risk of wrongful convictions, and erode public trust in the courts;
- 16) States that California has both a constitutional obligation and a moral responsibility to ensure that its indigent defense systems are adequately funded, appropriately staffed, and capable of providing effective representation consistent with constitutional mandates; now, therefore, be it;
- 17) Resolves that by the Assembly of the State of California, the Senate thereof concurring, That the Legislature affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance, and recognizes public defenders as essential protectors of constitutional rights and the rule of law; and be it further
- 18) Resolves that the Legislature acknowledges that chronic underfunding and lack of parity between prosecution and defense threaten the integrity of the adversarial system and the effective assistance of counsel guaranteed by the United States and California Constitutions; and be it further;
- 19) Resolves that the Legislature encourages the development of statewide approaches to indigent defense that incorporate empirical workload measures, promote sustainable staffing and funding, improve data collection and transparency, and ensure that state funding structures do not perpetuate inequities between prosecution and defense; and be it further;

20) Resolves that the Secretary of the Senate transmit copies of this resolution to the Governor, the Judicial Council of California, the Legislative Analyst's Office, the Department of Finance, appropriate legislative committees, and to the author for appropriate distribution.

## COMMENTS

### **According to the Author**

"The fundamental right to counsel is essential to a fair trial and is guaranteed under the United States and California Constitutions. Public defenders play a critical role in fulfilling this obligation, and in doing so, preserve due process and protect the constitutional rights of not just their clients, but of everyone. However, California is currently facing an escalating recruitment and retention crisis in public defense that has left public defender offices with vacancies they cannot fill. This comes at a time when workloads are increasing beyond ethical limits and constitutional stakes are higher than ever. To address this crisis, especially in this moment, ACR 159 recognizes the fundamental importance of indigent defense in protecting civil liberties and encourages California to develop better statewide support systems."

### **Arguments in Support**

According to the *California Public Defender's Association*, "CPDA is the statewide professional association representing California's public defenders and allied defense members --attorneys, investigators, social workers, and support staff --who stand between the power of the state and the individual rights of those accused of crimes. Our members serve the most vulnerable people in our communities: those who cannot afford private counsel, who are disproportionately people of color, and who too often face a system where public defenders are under-resourced.

"ACR 159 speaks to a truth that is foundational to our democratic system: that the Sixth Amendment guarantee of the right to counsel is meaningless unless that counsel is effective, adequately resourced, and treated as a co-equal pillar of justice alongside prosecution. We are grateful that you are bringing this resolution forward so that the Legislature may affirm these truths.

"California has made important strides in recent years to strengthen its indigent defense system, but significant challenges remain. Public defender offices across the state continue to face crushing caseloads, inadequate funding, and systemic disparities in resources compared to their prosecutorial counterparts. Many counties still rely on flat-fee contract arrangements that create structural conflicts of interest, incentivizing speed over thorough representation. ACR 159 sends a powerful message that the Legislature recognizes these challenges and is committed to addressing them, not as a matter of charity, but as the state's constitutional obligation.

"When public defenders are under-resourced, the consequences extend far beyond their clients. Rushed or inadequate representation results in wrongful convictions, inefficient court proceedings, and decades of costly post-conviction litigation. Black and brown Californians bear the heaviest burden of a system in which the promise of equal justice remains unfulfilled. ACR 159 affirms that the Legislature takes seriously its responsibility to ensure that every Californian, regardless of wealth, race, or geography, receives the effective assistance of counsel to which they are constitutionally entitled.

"On behalf of CPDA, we respectfully urge your "YES" vote on ACR 159 when it comes before you in the Assembly Public Safety Committee."

**Arguments in Opposition**

None submitted.

**FISCAL COMMENTS**

Unknown. This resolution is keyed non-fiscal by the Legislative Counsel.

**VOTES**

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

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

**UPDATED**

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