

THIRD READING

Bill No: ACR 159
Author: Kalra (D), et al.
Introduced: 3/10/26
Vote: 21

SUBJECT: Indigent defense

SOURCE: Author

DIGEST: This resolution affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance, recognize public defenders as essential protectors of constitutional rights and the rule of law, and encourages the development of statewide approaches to indigent defense.

ANALYSIS: This resolution makes the following legislative findings:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.

This resolution affirms the fundamental importance of indigent defense to due process, equal justice, and democratic governance, recognize public defenders as essential protectors of constitutional rights and the rule of law, and encourages the development of statewide approaches to indigent defense.

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

SUPPORT: (Verified 5/12/26)

ACLU California Action

California Public Defenders Association

Ella Baker Center for Human Rights

Local 148 Los Angeles County Public Defender's Union

Smart Justice California, A Project of Beyond Impact

OPPOSITION: (Verified 5/12/26)

None received

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