SENATE RULES COMMITTEE SB 485
Office of Senate Floor Analyses
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VETO

Bill No: SB 485
Author: Reyes (D)
Enrolled: 9/16/25
Vote: 27

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 4/2/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/22/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 36-0, 5/8/25 (Consent)
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Hurtado, Reyes, Rubio, Valladares

SENATE FLOOR: 40-0, 9/11/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 62-12, 9/9/25 - See last page for vote

SUBJECT: County public defender: appointment

SOURCE: California Public Defenders Association

DIGEST: This bill limits the authority of the county board of supervisors to remove an appointed public defender at will, instead requiring a three-fifths vote of the board for neglect of duty, malfeasance or misconduct in office, or other good cause.

ANALYSIS:

Existing law:

1) Provides that in any county a county counsel may be appointed by the board of supervisors.

2) Provides that an appointed county counsel may be removed at any time by the board of supervisors for neglect of duty, malfeasance or misconduct in office, or other good cause shown, upon written accusation to be filed with the board of supervisors, by a person not a member of the board, and heard by the board and sustained by a three-fifths vote of the board.

3) Authorizes the county board of supervisors of any county to establish a public defender office for the county.

4) States that at the time of establishing a public defender office, the board of supervisors shall determine whether the public defender is to be appointed or elected.

5) Provides that if a public defender of any county is to be appointed, they shall be appointed by the board of supervisors to serve at will.

This bill:

1) Limits a board of supervisors' authority to remove an appointed county public defender from office to neglect of duty, malfeasance or misconduct in office, or other good cause, and requires a three-fifths vote by the board to do so.

2) States that it is the intent of the Legislature that this section shall not be construed to exempt a public defender from a county's established performance evaluation process for appointed department heads.

Background

To ensure individuals charged with a crime receive equal protection and due process under the law, the United States (U.S.) and California Constitution's 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 defenders, only San Francisco elects their 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.

Comments

Purpose of this bill. According to the author, "Chief Public Defenders play a crucial role in ensuring a fair and equitable justice system. They uphold the Constitution by guaranteeing access to competent legal counsel for all, regardless of financial status. When a public defender fulfills this duty to their clients, it may mean taking unpopular stances which can include positions that, although legal, come into conflict with their appointing board. This creates a challenging environment as public defenders can be fired without cause by a county board of supervisors, creating a disincentive to fulfill their duties out of fear of retaliation, and in turn not offering their clients their constitutionally guaranteed rights. To ensure a fair legal system, public defenders must be free from political pressure and retaliation. SB 485 seeks to eliminate the "at-will" status of Chief Public Defenders, allowing them to be removed only by a 3/5 vote of the board for neglect, misconduct, or other justifiable reasons. This reform would protect their independence and allow them to serve with integrity."

Leave it local? Since 1943, the Legislature has allowed county boards of supervisors to remove their public defenders at will. SB 485 seeks to limit this authority by only allowing for removal in cases of neglect of duty, malfeasance or misconduct in office, or other good cause with a 3/5 vote of the board. According to the author, this is necessary to protect public defenders from fear that performing their duties could lead to retaliation. The sponsor of the bill, the California Public Defenders Association, is unaware of an instance where a board of supervisors has removed a public defender. However, they note, "A public defender who fears losing their job if they take up controversial causes cannot adequately fight for their office or for their clients." Additionally, they argue that SB 485 simply models provisions for public defenders after those for county counsels that have been in place since 1959, which allow a board to only remove a county counsel for neglect of duty, malfeasance or misconduct in office, or other good cause. While these provisions are similar, SB 485 does not subject public defenders to a four-year term like county counsels, which provides county boards with the option to select a different county counsel or appoint the existing counsel to an additional four-year term. However, county charters already allow charter counties to determine whether a term limit is necessary, or spell out conditions when they can remove an officer. For example, Fresno, San Diego and Alameda Counties all have provisions in their charter that specify that the county counsel serves at will, and the board can remove them for any reason. Even if this measure is enacted, charter counties could spell out their own terms for a public defender, just like they have for county counsels. General law counties would not have this ability. The Legislature may wish to consider whether it should limit a board of supervisor's ability to remove a public defender at will, and if they do, whether an appointed public defender should have a term-limit similar to that of county counsels.

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

According to the Assembly Appropriations Committee:

- Local costs of an unknown amount, but potentially greater than $150,000 statewide for local agencies to revise administrative procedures regarding the ability of counties to remove appointed public defenders from office. These costs are potentially state-reimbursable, subject to a determination by the Commission on State Mandates.

SUPPORT: (Verified 10/17/25)

California Public Defenders Association (source)
ACLU California Action

California Public Defenders Association
Ella Baker Center for Human Rights
Initiate Justice
Local 148 LA County Public Defenders Union
Oakland Privacy
Smart Justice California, a Project of Tides Advocacy

OPPOSITION: (Verified 10/17/25)

California State Association of Counties
County of Riverside
Rural County Representatives of California
Urban Counties of California

GOVERNOR'S VETO MESSAGE:

This bill would allow an appointed county public defender to be removed from office only upon a three-fifths vote of the board of supervisors and a showing of good cause.

I appreciate the importance of protecting public defenders from undue political interference, as their role sometimes requires taking unpopular positions to fulfill their legal and ethical duties to their clients.

That said, I have not been presented with evidence that California's current system in any way impairs the effectiveness or independence of public defenders. Proponents only cite a handful of examples from other states of public defenders being removed from office for controversial advocacy.

Further, since the law does not place term limits on public defenders, this bill may ultimately make it unduly difficult to replace public defenders for legitimate reasons and leave incumbents entrenched, which I do not support.

For these reasons, I cannot sign this bill.

ASSEMBLY FLOOR: 62-12, 9/9/25
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Connolly, Davies, Dixon, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark

González, Haney, Harabedian, Hart, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Castillo, DeMaio, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Macedo, Patterson, Sanchez, Tangipa, Wallis

NO VOTE RECORDED: Calderon, Chen, Flora, Irwin, Pacheco, Michelle Rodriguez

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
10/17/25 14:11:36

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