
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair

2025 - 2026 Regular

Bill No: AB 2605 **Hearing Date:** June 30, 2026
Author: Arambula
Version: May 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: NDT

Subject: *State Public Defender: county public defenders: data collection*

HISTORY

Source: California Attorneys for Criminal Justice; Wren Collective

Prior Legislation: AB 690 (Schultz), held in Senate Appropriations, 2025
AB 625 (Arambula), Ch. 583, Stats. of 2021

Support: California Public Defenders Association; Smart Justice California

Opposition: Fresno County Board of Supervisors

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to require the board of supervisors for any county that has established the office of the public defender to collect specified information on public defense services provided in the county and to submit that information to the State Public Defender every two years.

Existing law provides that the Governor shall appoint a State Public Defender, subject to confirmation by the Senate and sets forth the eligibility requirements and duties of the State Public Defender. (Gov. Code, § 15400 et seq.)

Existing law provides that the board of supervisors of any county may establish the office of public defender for the county and sets for the duties for a county public defender. (Gov. Code, § 27700, et seq.)

This bill provides that the board of supervisors each county specifies a contact person for the office of the public defender and collects the following information from the office every two years:

- Type of primary and conflict public defense systems used.
- Method and timing of case assignment.
- Budget and expenditures on public defense.
- Funded and filled public defense positions by type.

- The number of cases assigned to the public defense system.

This bill provides that the data collected by a county shall be reported to the Office of the State Public Defender every two years beginning on January 1, 2029.

This bill provides that the Office of the State Public Defender shall create and post on its internet website a summary report of the information reported to it pursuant to this bill.

COMMENTS

1. Need for This 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.

2. Recent Legislation Regarding Reports on Public Defenders

The Sixth Amendment of the U.S. Constitution guarantees criminal defendants a right to counsel, often provided by a public defender. The Public Defender of a county is appointed by the board of supervisors to provide criminal defense services to people who are not able to financially employ counsel. (Gov. Code, § 27706.) 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. Counties also have either a list of attorneys or a second office to deal with issues where the Public Defender's Office cannot take a case because of a conflict.

In 2015, a civil case out of Fresno County drew attention to the long waiting times an arrestee may face before they were able to speak to a public defender; specifically, in that case, one plaintiff waited in custody for over a month before speaking to their public defender.¹ When the case settled in 2020, the state, through the Attorney General's Office, agreed to expand the mission of the Office of the State Public Defender, make a good-faith effort to train attorneys providing indigent criminal defense on behalf of California counties, as specified, and identify

¹ American Civil Liberties Union (July 2015) *Phillips v. State of California Complaint*
<https://www.aclu.org/cases/phillips-v-state-california?document=phillips-v-state-california-complaint>

further steps that could be taken to improve California counties' provision of trial-level indigent criminal defense.²

In 2022, the Legislative Analyst's Office (LAO) reported that offices that provide indigent defense receive on average 82% less funding than prosecutorial offices.³ The LAO found that "[t]he state currently lacks comprehensive and consistent data that directly measures the effectiveness or quality of indigent defense across the state. This makes it difficult for the Legislature to ensure effective indigent defense is being provided."⁴

AB 625 (Arambula) Chapter 583, Statutes of 2021, required the State Public Defender, in consultation with the California Public Defenders Association, to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report no later than January 1, 2024. (Gov. Code, § 15403.) The report found that while "the vast majority of California's public defense attorneys are devoted to their profession" they are "almost universally burdened by excessive workloads" and "lack support staff-investigators, social workers, paralegals and administrative assistants-necessary to efficiently and effectively represent their clients."⁵ The report also found that the "situation is often worse in less populous more rural counties."⁶

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 specifically suggested that:

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:

- Require counties to submit annual public defense plans that detail how the county provides defense services and reports staffing levels.
- Provide funding to increase data collection capacity and enable compliance with data reporting requirements.
- Increase the data reporting requirements over time to include caseloads by case type categories.

² American Civil Liberties Union (Jan. 2020) *Phillips v. State of California: California State Settlement Agreement* <https://www.aclu.org/cases/phillips-v-state-california?document=phillips-v-state-california-california-state-settlement-agreement>

³ Legislative Analyst's Office (Sept. 2022) *Assessing the Provision of Criminal Indigent Defense* <https://lao.ca.gov/reports/2022/4623/indigent-defense-092222.pdf>

⁴ *Ibid.*

⁵ Office of the State Public Defender (Sept. 2025) *California Public Defense Workloads and Staffing* <https://www.ospd.ca.gov/wp-content/uploads/2025/09/CA-Full-Report-FINAL-9.29.25-r.pdf>

⁶ *Ibid.* at p. 4.

- Make aggregated data available to the public.⁷

3. Effect of This Bill

This bill requires county public defenders to provide information on what type of primary and conflict systems used; method and timing of case assignment; budget and expenditures on public defense; funded and filled defense positions by type; and the number of cases assigned to the public defense system. The information will be provided to the state public defender every two years. Most of the information required to be submitted addresses issues with the type of office and budget or caseload.

4. Argument in Support

According to this bill's co-sponsor, California Attorneys for Criminal Justice:

AB 2605 requires counties to collect and report key data on indigent defense services, such as caseload data, staffing levels, funding, how cases are assigned and other information about the public defense system being used. All of this information is required to be published in a statewide report.

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.

5. Argument in Opposition

According to the Fresno County Board of Supervisors:

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.

⁷ *Ibid.* at p. 5.

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.

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