(Insert Logo)

(Insert Date)

The Honorable Jesse Arreguín

Chair, Senate Public Safety Committee

1020 N Street, Room 545

Sacramento, CA 95814

**RE: Assembly Bill 690 (Schultz) -- OPPOSE**

**As Amended on May 23, 2025**

Dear Chair Arreguín,

On behalf of (Insert County/Organization), we write in respectful opposition to Assembly Bill 690 (Schultz). This measure would create additional mandates for the provision of indigent defense services, which will result in increased cost pressures to counties statewide estimated to be in the tens of millions of dollars.

The California and U.S. Constitutions enshrine the right to effective assistance of legal counsel and equal protection through due process for all criminal defendants, prior to being deprived of their liberty. Thus, the government is required to provide access to attorneys and pay for the cost of representation for those who cannot afford counsel. In California, the state has delegated to counties the responsibility of both funding and administering indigent defense services at the trial court level. Counties have the authority and flexibility to design systems that best suits local needs. However, California is only one of five states that does not provide full or partial funding to counties for the delivery of the constitutionally promised service. Despite the fact that the state has shifted the primary responsibility to provide indigent defense to counties, in 2020, a California Superior Court determined that the state still has a responsibility to fulfill its constitutional duties.

As drafted, AB 690 seeks to make four main changes. First, it would require counties to adhere to recently published standards drafted by the Office of the State Public Defender (OSPD), whose mission is to provide support and technical assistance to counties (rather than oversight and enforcement). Second, this measure would establish a number of expansive and significant new requirements for counties to include in their contractual

agreements with private firms and non-county attorneys that provide criminal defense – which includes, but is not limited to, access to funding for ancillary services, investigators, social workers, and payment of technology, which – in our view – should be accounted for as part of standard operating costs for private contractors. Third, this bill would establish a blanket prohibition on the utilization of flat fee or per-case compensation models when contracting out for indigent services. This limitation reduces county-by-county flexibility and poses additional challenges to the already shrinking pool of qualified defense attorneys, all without identifying practical and alternative models that would meet the fiscal restrictions of any given county, or demonstrating that an alternative model will necessarily yield better quality defense. Lastly, this measure would require biannual reporting of every single county contract for indigent defense services to the OSPD, again, without new resources or sustained state investments. In our view, these requirements are not only costly and burdensome, but some are simply not feasible due to the diverse challenges facing our 58 unique counties with regards to population, geography, crime trends, workforce shortages, and budgetary constraints.

[Insert County Specific Examples/Concerns]

While counties share the underlying intent of AB 690 – to ensure there are manageable caseloads for defense attorneys and high-quality representation for all clients statewide – the bill imposes considerable further mandates that must be funded through the Legislature prior to counties being able to make the necessary contractual and system-wide changes that this bill would demand. Ultimately, when many counties are struggling to sustain critical programming and ensuring the continued delivery of essential services for our most vulnerable communities, now is not the time to impose costly mandates.

For these reasons, we regretfully oppose AB 690.

Sincerely,

(Insert Name)

(Insert Title)

cc: The Honorable Nick Schultz, Member of the California State Assembly

Members of the Senate Public Safety Committee

(Insert Your State Assembly Member)

Sarah Dukett, Policy Advocate, Rural County Representatives of California