



Dollars in Thousands

ABS024 Recommendation Summary
Office of Public Defense
2026 First Supplemental Budget Session
26SUOPD - 2026 Supplemental OPD

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	71.5	167,449	19,056	186,505
2025-27 Current Biennium Total	71.5	167,449	19,056	186,505
Total Carry Forward Level	71.5	167,449	19,056	186,505
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
Maintenance – Other Changes				
ML D1 Correct Public Def. Grants Proviso	0.0	0	0	0
ML D2 Purchasing Court Transcripts	0.0	496	0	496
ML D3 Casey Family & ABA Grant Funding	0.0	0	40	40
Maintenance – Other Total	0.0	496	40	536
Total Maintenance Level	71.5	167,945	19,096	187,041
Percent Change from Current Biennium	.0%	.3%	.2%	.3%
Policy – Other Changes				
PL D5 Appellate Caseload Standards	0.0	0	0	0
PL D6 Blake Response & SPAR Program	0.0	1,900	0	1,900
PL D7 Adult & Juvenile Resentencing	0.0	100	0	100
PL D8 Parents Rep. Caseload Standards	2.0	6,161	0	6,161
Policy – Other Total	2.0	8,161	0	8,161
Subtotal - Policy Level Changes	2.0	8,161	0	8,161
2025-27 Total Policy Level	73.5	176,106	19,096	195,202
Percent Change from Current Biennium	2.8%	5.2%	.2%	4.7%

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ML D1 Correct Public Def. Grants Proviso

The Office of Public Defense (OPD) requests a technical correction to restore \$900,000 each fiscal year to its base, non-provisoed General Fund-State budget. The 2025-2027 biennial budget bill contains a drafting error in the dollar amounts provisoed for public defense grants. The Chairs of the Senate Ways and Means Committee and the House Appropriations Committee documented the error and their intent to fix it in a letter to the Office of Public Defense. This decision package implements their intent. (General Fund – State)

ML D2 Purchasing Court Transcripts

The Washington State Office of Public Defense (OPD) requests funding to implement Supreme Court Order 25700-B-732, which increases the per-page cost for court transcripts used to prepare indigent appeals. Under Washington law, OPD provides the constitutional right to counsel for indigent appeals, including obtaining transcripts of trial court proceedings.

ML D3 Casey Family & ABA Grant Funding

The Office of Public Defense (OPD) requests ongoing appropriation authority for a small private grant it receives to participate in the nationwide Family Justice Initiative and contribute parent representation expertise and leadership from Washington state. OPD has consistently received the grant funding since 2019 and expects to continue receiving it in future years. To date, OPD has requested year-to-year appropriation authority to spend the grant funding through the unanticipated receipt process with the Governor's Office of Financial Management. This decision package provides \$40,000 General Fund – Private/Local appropriations ongoing and eliminates the need to continue with the unanticipated receipt process each year. (General Fund – Private/Local)

PL D5 Appellate Caseload Standards

The Office of Public Defense (OPD) submits this request as a placeholder in the event the Washington Supreme Court issues final appellate caseload standards. On September 5, 2025, the Court ordered an interim reduction to the appellate caseload standards to 30 appeals per attorney per year. OPD is already contracting at the interim standard. If the Court reduces the caseload standard below 30, OPD will submit a request to fund additional contract attorneys. (General Fund-State)

PL D6 Blake Response & SPAR Program

The Office of Public Defense (OPD) requests funding to sustain legal services related to the Supreme Court's State v. Blake decision. The requested funding will allow OPD to continue coordinating the statewide response to historical Blake cases, including resentencing, commuting, and vacating unconstitutional drug convictions. The requested funding also will help OPD support counties and cities to ensure effective public defense for recently authorized drug possession charges, as provided in RCW 2.70.200 and OPD's Simple Possession and Advocacy Representation (SPAR) Program. (General Fund – State)

PL D7 Adult & Juvenile Resentencing

OPD requests funding to provide counsel for persons who are eligible for criminal resentencing pursuant to a July 2025 decision of the Washington Supreme Court. State v. Lewis, 571 P.3d 1245 (2025) qualifies people for resentencing if their criminal history includes convictions from foreign jurisdictions. This request covers costs for 25 resentencing cases, including contract attorney services, travel, expert fees for mitigation, and release planning. RCW 2.70.020(3) authorizes OPD to provide counsel when the Legislature or appellate case law creates new bases to challenge a conviction or sentence. (General Fund – State)

PL D8 Parents Rep. Caseload Standards

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The Office of Public Defense (OPD) requests funding to implement court-ordered caseload limits for contracted attorneys who represent indigent parents in dependency and termination of parental rights cases. The Washington Supreme Court has amended court rules governing family defense caseload standards and is limiting each full-time attorney to 45 clients with 60 open and active cases starting July 1, 2026 and 35 clients with 40 open and active cases, starting July 1, 2028. OPD also requests funding to expand prefiling legal representation for parents at risk of child removal and dependency court action. Prefiling representation typically reduces dependency filings and is expected to limit the number of additional contracted attorneys required in future years to comply with caseload standards. (General Fund – State)

Report Number: ABS024

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