Washington State Judicial Branch
2026 Supplemental Budget
Correct Public Defense Grants Proviso

Agency: Office of Public Defense

Decision Package Code/Title: D1 – Correct Public Def. Grants Proviso

Agency Recommendation Summary Text:
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)

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Operating Expenditures						
Fund 001-1 proviso	($900,000)	($900,000)	**($900,000)**	$0	$0	**$0**
Fund 001-1 base	$900,000	$900,000	**$900,000**	$0	$0	**$0**
Total Expenditures						
	$0	**$0**	**$0**	**$0**	**$0**	**$0**

Package Description:
The 2025-2027 operating budget bill for the Office of Public Defense (OPD) contains a drafting error in the proviso that increased public defense improvement grant funding to counties and cities under Chapter 10.101 RCW. (Engrossed Substitute Senate Bill 5167, Section 115 (7)).

The proviso lists an appropriation greater than the funding the Legislature added to OPD's budget. Chairs of the Senate Ways and Means Committee and the House Appropriations Committee documented the error and their intent to fix it in a May 16,2025 letter to the Office of Public Defense. This decision package provides a technical correction to restore $900,000 each fiscal year to the base non-provisoed budget and align OPD's appropriations with the Legislature's intent.

Fully describe and quantify expected impacts on state residents.
This is a technical correction and does not have an impact on the public defense grants OPD will make to cities and counties under Chapter 10.101 RCW.

Explain what alternatives were explored by the agency and why this was the best option chosen.
There is no alternative to correcting the error. This decision package corrects a drafting error in order to provide appropriations for the 2025-2027 biennium as the Legislature intended.

What are the consequences of not funding this request?
If not corrected, the OPD's budget provisos will exceed the funding provided to the agency. The effect would be to cut OPD's base operating budget by $900,000 per fiscal year.

Is this an expansion or alteration of a current program or service?
No. This request maintains the funding levels that the Legislature intended for OPD.

Decision Package expenditure, FTE and revenue assumptions
Not applicable. This is a net zero request and only requires a proviso language change.

How does the package relate to the Judicial Branch principal policy objectives?
Not applicable. This budget request makes a technical correction.

Are there impacts to other governmental entities?
Not applicable.

Stakeholder response:
At its September 18, 2025 meeting, the OPD Advisory Committee voted to endorse this decision package.

Are there legal or administrative mandates that require this package to be funded?
No.

Does current law need to be changed to successfully implement this package?
Yes. The budget proviso included in Engrossed Substitute Senate Bill 5167, Section 115 (7) must be amended as follows:

> **Sec. 115. For the Office of Public Defense**
> (7) ~~$13,600,000~~ $12,700,000 of the general fund—state appropriation for fiscal year 2026 and ~~$13,600,000~~ $12,700,000 of the general fund—state appropriation for fiscal year 2027 are provided solely for the office of public defense to administer funds to counties and cities pursuant to formulas established in RCW 10.101.050 through 10.101.080.

Are there impacts to state facilities?
No. This decision package does not impact state facilities.

Are there other supporting materials that strengthen the case for this request?
Yes. Attachment A is correspondence from the Chairs of the Senate Ways and Means Committee and the House Appropriations Committee informing OPD of their intent to correct the drafting error.

Are there information technology impacts?
This decision package has no IT impacts.

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Attachment A

Washington State Legislature

May 16, 2025

Larry Jefferson, Director
Washington State Office of Public Defense
PO Box 40957
Olympia, WA 98504-0957

Director Jefferson:

The operating budget bill (ESSB 5167), as it passed the Legislature, provides increased funding for public defense grants to local jurisdictions. That bill contains a drafting error—the amounts provisoed for public defense grants (the portion split 90% to counties and 10% to cities) contained in section 115 (7) of the bill exceeds the amounts provided for that purpose in that section. To address that conflict, it is our intent in the next supplemental budget to amend that subsection as follows:

(7) ((~~$13,600,000~~)) $12,700,000 of the general fund—state appropriation for fiscal year 2026 and ((~~$13,600,000~~)) $12,700,000 of the general fund—state appropriation for fiscal year 2027 are provided solely for the office of public defense to administer funds to counties and cities pursuant to formulas established in RCW 10.101.050 through 10.101.080.

Section 115 (1), which provides additional funding for a similar purpose (but split 50% to counties and 50% to cities), would remain unchanged.

Respectfully,

Representative Timm Ormsby, Chair
House Appropriations Committee

Senator June Robinson, Chair
Senate Ways & Means Committee

CC:

Susan Brooks, Senate
James Kettel, Senate
Sam Brown, Senate
Dave Johnson, House of Representatives
Mary Munroe, House of Representatives
Linda Merelle, House of Representatives
Yvonne Walker, House of Representatives
Josh Hinman, Senate

Matt Bridges, Senate
Erik Kiffe, House of Representatives
Devon Nichols, House of Representatives
Gaius Horton, Office of Financial Management
Angie Wirkkala, Office of Public Defense
Sophia Byrd McSherry, Office of Public Defense