



Legislative Steering Committee

Memorandum

Date: January 23, 2026

Category: Decision Making

Policy Area: Public Safety

Subject: Strategic Pathways for Advancing HB 1592

Staff Contact: Curtis Steinhauer, WSAC Policy Coordinator; Derek Young, WSAC Executive Director

This memo outlines two legislative pathways to advance public defense reform during the 2026 session and seeks authorization for staff to pursue a contingent strategy.

Appropriators have asked WSAC to clearly state its preferences. At the same time, staff assessment is that the current proposed substitute to HB 1592—particularly its phased cost-sharing framework—faces significant challenges to advancing this session given the budget environment.

Staff intends to continue pursuing the full substitute as long as it remains viable, while requesting advance authorization to pivot to a narrower approach if it stalls.

Background

Counties spend more than \$200 million annually on public defense and face accelerating costs driven by new Supreme Court caseload standards. Many systems are already failing to appoint counsel in a timely manner, increasing litigation and constitutional risk.

HB 1592 was developed to address these pressures through structural reforms and phased state participation. However, budget leaders have expressed reluctance to enact new statutory funding commitments this session.

Pathway 1: Current Proposed Substitute

Staff would continue advocating for the full substitute, which includes:

- A phased statutory framework increasing the state's share of public defense costs over time; and
- Structural reforms expanding the role of the Office of Public Defense (OPD), including regional coordination and direct service authority.

The substitute requires no new state appropriation in FY 2026, with state participation beginning in future years.

Cost and Commitment Profile

- FY 2026 appropriation: \$0
- Long-term effect: Creates a statutory commitment to future state funding.

Key Considerations

- Preserves a comprehensive, long-term solution.
- Provides predictability for counties planning for caseload compliance.
- Faces significant resistance from appropriators and may not receive a hearing.

Pathway 2: Narrow HB 1592 to Section 2 and Seek a Targeted Appropriation

If the full substitute stalls, staff would pivot to a narrowed bill retaining only Section 2, while pursuing a targeted appropriation to the 10.101 public defense account.

Section 2 would expand OPD's ability to support counties through regionalized service delivery, including assuming responsibility for components of smaller county systems. This creates potential for short-term efficiencies and cost containment, particularly for rural counties.

Staff would also seek a modest appropriation, likely comparable to last year's increase of approximately \$8 million annually.

Cost and Commitment Profile

- FY 2026 appropriation: ≈ \$8 million annually
- Long-term effect: No statutory commitment to future cost sharing.

Key Considerations

- More aligned with current budget signals.
- Provides near-term stabilization and efficiency gains.
- Does not resolve the long-term funding imbalance.

Staff Recommendation:

Staff requests authorization to:

- Continue advancing the full proposed substitute to HB 1592 as the preferred approach; and
- Pursue the narrowed Section 2 bill and a targeted appropriation if Pathway 1 stalls or fails to receive a hearing.

This authorization would allow staff to respond quickly to legislative conditions without returning mid-session for additional direction.