



November 2, 2026

26-LDM-01

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RE: Legislatively Determined Mandate
Criminal procedure: indigent defense compensation
(Assembly Bill 690; Statutes 2026, Chapter 359)

Dear Director Stephenshaw and Executive Director Gmur:

Rural County Representatives of California (RCRC), a statewide association of California's rural counties, hereby requests to initiate a Joint Request for Legislatively Determined Mandate (LDM) pursuant to Government Code section 17573 regarding the above-captioned statute.

On August 13, 2026, the Senate Committee on Appropriations's Analysis stated that this bill will incur "costs (local funds, General Fund) of an unknown but potentially significant amount to counties affected by the contracting requirements in this bill."

By copy of this letter to the Commission on State Mandates, RCRC requests acknowledgement that the statute of limitations to file a test claim is tolled as of the date of this notice pursuant to Government Code section 17573, subdivision (b). While this matter is pending, RCRC or the Department shall notify the Commission of actions taken as set forth below, in accordance with subdivision (g) of Section 17573:

- Provide the Commission with a copy of any communications regarding development of a joint request under this section and a copy of a joint request when it is submitted to the Legislature.
- Notify the Commission of the date of (A) the Legislature's action on a joint request in the Budget Act, or (B) the Department's decision not to submit a joint request.

Please do not hesitate to contact us if you have any questions, or would like to schedule a meeting to discuss the next steps in the LDM process.

Very truly yours,

TAYLOR W. KAYATTA, Deputy General Counsel
Rural County Representatives of California

SENATE COMMITTEE ON APPROPRIATIONS
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 690 (Schultz) - Criminal procedure: indigent defense compensation

Version: May 23, 2025
Urgency: No
Hearing Date: August 13, 2026
Policy Vote: PUB. S. 4 - 1
Mandate: No
Consultant: Bob Franzoia, Liah Burnley

Bill Summary: AB 690 establishes new requirements for indigent legal defense service agreements.

********** ANALYSIS ADDENDUM – SUSPENSE FILE **********
The following information is revised to reflect amendments adopted by the committee on August 13, 2026

Fiscal Impact: Costs (local funds, General Fund) of an unknown but potentially significant amount to counties affected by the contracting requirements in this bill. Counties with contracts that already comply will likely not incur any costs. However, counties with non-complying contracts may incur potentially significant workload costs to ensure new contracts meet the bill's requirements. General Fund costs will depend on whether each of the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Unknown, potentially minor and absorbable costs to Judicial Council (Trial Court Trust Fund, General Fund) to ensure contracts comply with this bill's requirements. The Judicial Council notes that the courts are responsible for providing indigent defense counsel at the appellate level. While the courts may be involved in the decision at the trial court level of who is provided an indigent defense counsel contract, it is ultimately the counties who enter into the contract and pay for this service. The Judicial Council does not anticipate this bill to impact the appellate contracts as they already meet the requirements of the bill. At the trial court level, some rural courts have noted concerns about the ability to contract with qualified attorneys under these new provisions and flagged general concerns about the references to the RAND study and the Office of the State Public Defender (OSPD) standards being overly broad. While the trial courts' budgets will not be directly impacted by these changes, there may be some operational and workload aspects as courts work with their county partners to approve and enter into these contracts.

Minor and absorbable costs (General Fund) to the OSPD. OSPD does not anticipate this bill to have a meaningful fiscal impact on its operations. OSPD reports that collecting contracts on a biannual basis can be absorbed by current staff. If an evaluation of the contracts to determine whether flat fees were utilized, that could also be conducted on a biannual basis with current staffing levels. The only anticipated costs would be minor increases to data storage and online publication costs that are unlikely to be realized prior to 2029.

Author Amendments:

- Prohibit a county or court from entering into flat fee contracts, as defined, or per case compensation contracts in cases involving the death penalty or the potential sentence of life without the possibility of parole.

- Delete the requirement that counties ensure that all contracts provide for an hourly rate, as specified.

- Add a commencement date of January 1, 2028.

- The county or court shall consider all of the following when preparing a contract or memorandum of understanding for indigent defense services:

    - The California Standards for Contract and Panel Defense Systems.

    - The full workload and professional responsibilities of the attorney or firm, including time for work in other cases in addition to work performed pursuant to the indigent defense services contract.

    - The National Public Defense Workload Study by the RAND Corporation published in 2023, or any later workload study identified by the Office of the State Public Defender and agreed upon by the California Public Defenders Association and California Attorneys for Criminal Justice.

    - Attorneys shall comply with ethical rules of representation, including, but not limited to, Rule 1.4 of the State Bar Rules of Professional Conduct, and shall make reasonable efforts to meet with their clients outside of court appearances. If requested by the administrator, the attorney shall provide a list of cases in which the attorney did not meet with the client outside of court proceedings.

    - If the contract is with a private entity or law firm to manage indigent defense services for that county, a provision requiring the contractor to maintain an internet website with contact information, including working telephone number and email, for all attorneys providing indigent defense services through that entity. Attorneys shall have a working telephone number that accepts jail and prison calls and a functionalvoicemail available for confidential client use.

-- END --

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On November 9, 2026, I served the:

- **Current Mailing List dated November 5, 2026**
- **Notice of Receipt of Letter of Intent to Initiate a Joint Request for a Legislatively Determined Mandate and Tolling of the Statute of Limitations issued November 9, 2026**
- **Letter of Intent to Initiate a Joint Request for a Legislatively Determined Mandate filed by the Rural County Representatives of California (RCRC) on November 2, 2026**

  Criminal Procedure: Indigent Defense Compensation, 26-LDM-01
  Statutes 2026, Chapter 359 (AB 690)
  Rural County Representatives of California, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 9, 2026 at Sacramento, California.

Jill Magee

Jill Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 11/5/26

Claim Number: 26-LDM-01

Matter: Criminal Procedure: Indigent Defense Compensation

Requester: Rural County Representatives of California

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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