

twenty thousand dollars per year, to be fixed by the supreme court.

Passed the Senate February 10, 1969

Passed the House March 10, 1969

Approved by the Governor March 24, 1969

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CHAPTER 94
[Engrossed Senate Bill No. 92]
PUBLIC DEFENDER

AN ACT Relating to criminal procedure; and authorizing the establishment of an office of public defender in the various counties of this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. As used in this act:

(1) "County commissioners" or "board of county commissioners" means and includes:

(a) Any single board of county commissioners, county council, or other governing body of any county which has neither a board of county commissioners nor a county council denominated as such; and

(b) The governing bodies, including any combination or mixture of more than one board of county commissioners, county council, or otherwise denominated governing body of a county, of any two or more contiguous counties electing to participate jointly in the support of any intercounty public defender.

(2) "District" or "public defender district" means any one or more entire counties electing to employ a public defender; and no county shall be divided in the creation of any public defender district.

NEW SECTION. Sec. 2. The board of county commissioners of any single county or of any two or more territorially contiguous counties or acting in cooperation with the governing authority of any city located within the county or counties may, by resolution or by ordinance, or by concurrent resolutions or concurrent ordinances, constitute such county or counties or counties and cities as a public defender district, and may establish an office of public defender for such district.

NEW SECTION. Sec. 3. The board of county commissioners of

every county electing to become or to join in a public defender district shall appoint a selection committee for the purpose of selecting a full or part time public defender for the public defender district. Such selection committee shall consist of one member of each board of county commissioners, one member of the superior court from each county, and one practicing attorney from each county within the district.

NEW SECTION. Sec. 4. Every public defender and every assistant public defender must be a qualified attorney licensed to practice law in this state; and the term of the public defender shall coincide with the elected term of the prosecuting attorney.

NEW SECTION. Sec. 5. The public defender shall make an annual report to each board of county commissioners within his district. If any public defender district embraces more than one county or a cooperating city, the public defender shall maintain records of expenses allocable to each county or city within the district, and shall charge such expenses only against the county or city for which the services were rendered or the costs incurred. The boards of county commissioners of counties and the governing authority of any city participating jointly in a public defender district are authorized to provide for the sharing of the costs of the district by mutual agreement, for any costs which cannot be specifically apportioned to any particular county or city within the district.

Expenditures by the public defender shall be subject to the provisions of Chapter 36.40 RCW and other statutes relating to expenditures by counties or cities.

NEW SECTION. Sec. 6. (1) The board of county commissioners shall:

(a) Fix the compensation of the public defender and of any staff appointed to assist him in the discharge of his duties: PROVIDED, That the compensation of the public defender shall not exceed that of the county prosecutor in those districts which comprise only one county;

(b) Provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of his office in the discharge of his duties, or provide an allowance in lieu of facilities and supplies.

(2) The public defender may appoint as many assistant attorney public defenders, clerks, investigators, stenographers and other employees as the board of county commissioners considers necessary in the discharge of his duties as a public defender.

NEW SECTION. Sec. 7. The public defender must represent, without charge to any accused, every indigent person who is or has been arrested or charged with a crime for which court appointed counsel for indigent defendants is required either under the Constitution of the United States or under the Constitution and laws of the state of Washington:

(1) If such arrested person or accused, having been apprised of his constitutional and statutory rights to counsel, requests the appointment of counsel to represent him; and

(2) If a court, on its own motion or otherwise, does not appoint counsel to represent the accused under the provisions of RCW 10.01.110; and

(3) Unless the arrested person or accused, having been apprised of his right to counsel in open court, affirmatively rejects or intelligently repudiates his constitutional and statutory rights to be represented by counsel.

NEW SECTION. Sec. 8. Whenever the public defender represents any indigent person held in custody without commitment or charged with any criminal offense, he must (1) counsel and defend such person, and (2) prosecute any appeals and other remedies, whether before or after conviction, which he considers to be in the interests of justice.

NEW SECTION. Sec. 9. For good cause shown, or in any case involving a crime of widespread notoriety, the court may, upon its own motion or upon application of either the public defender or of the indigent accused, appoint an attorney other than the public

defender to represent the accused at any stage of the proceedings or on appeal: PROVIDED, That the public defender may represent an accused, not an indigent, in any case of public notoriety where the court may find that adequate retained counsel is not available. The court shall award, and the county in which the offense is alleged to have been committed shall pay, such attorney reasonable compensation and reimbursement for any expenses reasonably and necessarily incurred in the presentation of the accused's defense or appeal, in accordance with the provisions of RCW 10.01.110 and 10.01.112.

NEW SECTION. Sec. 10. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy, particularly in counties electing not to create the office of public defender: PROVIDED, That nothing herein shall be construed to prevent the appointment of a full time or part time assigned-counsel administrator for the purpose of maintaining a centrally administered system for the assignment of counsel to represent indigent persons.

Passed the Senate February 18, 1969

Passed the House March 11, 1969

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CHAPTER 95
[Engrossed Senate Bill No. 108]
COURT REPORTERS--COMPENSATION

AN ACT Relating to court reporters; and amending section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 20, Laws of 1967, and RCW 2.32.210.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 210, Laws of 1951, as last amended by section 1, chapter 20, Laws of 1967, and RCW 2.32.210 are each amended to read as follows:

Each official reporter shall be paid compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;