



WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE
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NOTICE

Date: May 9, 2023

To: Counties, courts, court-appointed defense attorneys and other providers of indigent defense services for those committed as not guilty by reason of insanity

From: Washington State Office of Public Defense

Re: **RCW 10.77 NGRI Public Defense Changes Effective July 1, 2023**

Agency Contact: Shoshana Kehoe-Ehlers at Shoshana.Kehoe-Ehlers@opd.wa.gov

The Washington State Office of Public Defense (OPD) is pleased to announce that OPD is now responsible for the administration of public defense services for those committed as Not Guilty by Reason of Insanity (NGRI) under Ch. 10.77 RCW. Previously, indigent representation was administered by individual counties.

Pursuant to Substitute Senate Bill 5415, the legislature transferred that responsibility to OPD. The bill was signed into law on April 20, 2023 and became effective immediately. Click [5415-S.SL.pdf \(wa.gov\)](#) here to view the bill as passed. While the law is technically in effect, legislative appropriations are not effective until July 1, 2023 and **OPD will not be contracting with defense counsel or providing payment of any expert or litigation costs until July 1, 2023**. All indigent expert defense service costs incurred prior to July 1, 2023 remain the responsibility of the counties and/or the DSHS-Behavioral Health Administration.

Prior to July 1st, OPD will post a Request for Qualifications (RFQ) seeking defense attorneys and social workers to contract with OPD to represent individuals committed as NGRI. Attorneys currently assigned to one or more indigent post-commit NGRI cases shall continue representation as required by contract with the county until June 30, 2023. After June 30th counsel contracted with OPD will be assigned and/or substituted in for prior counsel. There may be some instances where current counsel may be asked to continue representation for up to 6 months with payment prorated based on contracted fees established by OPD.

Please direct all inquiries to the agency contact, above.

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