

KAMALA D. HARRIS
U.S. Senator for California



EQUAL Defense Act of 2019

The U.S. Supreme Court famously held in *Gideon v. Wainwright* (1963) that every individual charged with a crime but unable to afford legal representation has a Sixth Amendment right to counsel provided by the state. But in today's criminal justice system, public defenders are too often unable to uphold *Gideon's* promise because they are overworked and lack sufficient resources.

As reported by [The New York Times](#), the sheer size of public defender workloads makes it impossible for many lawyers to provide – and many defendants to receive – an effective defense. Moreover, compensation for public defenders often fails to reflect the constitutional imperative of their work. In [Deschutes County, Oregon](#), the starting salary for a deputy district attorney is about 34 percent higher than the starting salary for a public defender. In [Charlottesville, Virginia](#), local prosecutors made, on average, 25 percent more than public defenders. These disparities make public defense work unsustainable over the long haul. And the person who suffers is the defendant, whose liberty is on the line.

In our current adversarial system, the scales are too often tipped in favor of the prosecution. And even though there have been encouraging signs, including the election of reform-minded prosecutors, the only way to create an effective system that holds prosecutors accountable and allows criminal defendants to truly get a fair shot is to have a strong and competent defense.

Accordingly, Senator Kamala D. Harris (D-CA) is introducing the **Ensuring Quality Access to Legal Defense (EQUAL Defense) Act of 2019**.

The bill:

- Creates a new **\$250 million** grant program to fund public defense, including establishing:
 - Workload limits for full-time public defenders.
 - Pay parity between public defenders and prosecutors within five years.
 - Annual data on public defender workloads, including the number of hours worked per month and the percentage of hours worked per month across a range of tasks.
- Authorizes **\$5 million** for non-profit and government organizations to provide comprehensive training for public defenders.
- Reauthorizes the student loan repayment program, increases the overall authorization amount from **\$25 million to \$75 million**, and increases per borrower repayment limits.
- Requires Byrne-JAG recipients to provide data about the extent to which the state is providing public defenders to those in need.

The EQUAL Defense Act is supported by Gideon's Promise, National Association of Criminal Defense Lawyers (NACDL), National Association for Public Defense (NAPD), National Legal Aid & Defender Association (NLADA), NAACP Legal Defense Fund, Leadership Conference on Civil and Human Rights, American Civil Liberties Union (ACLU), Lawyers' Committee for Civil and Human Rights, Color of Change, and Project on Government Oversight (POGO).