

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.state.wi.us**

Carbon copy (CC:) to: **michael.dsida@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Time for public defender to assign counsel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 02/16/2005	jdyer 02/17/2005	pgreensl 02/17/2005	_____	sbasford 02/17/2005	sbasford 02/23/2005	State
/2	rryan 03/16/2005	jdyer 03/21/2005	rschluet 03/21/2005	_____	lnorthro 03/21/2005	lnorthro 03/21/2005	State
	rryan 05/05/2005			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3		jdye 05/06/2005	pgreensl 05/09/2005	_____	sbasford 05/09/2005	sbasford 05/09/2005	

FE Sent For: *at into*
2/24

<END>

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.state.wi.us**

Carbon copy (CC:) to: **michael.dsida@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Time for public defender to assign counsel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 02/16/2005	jdye 02/17/2005	pgreensl 02/17/2005	_____	sbasford 02/17/2005	sbasford 02/23/2005	State
/2	rryan 03/16/2005	jdye 03/21/2005	rschluet 03/21/2005	_____ S/A	lnorthro 03/21/2005	lnorthro 03/21/2005	

FE Sent For:

3/5/05 jld
5/9
P8 P8/12

2005 DRAFTING REQUEST

Bill

Received: 02/16/2005

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Frederick Kessler (608) 266-5813

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Public Defender

Ex:

Submit via email: YES

Requester's email: Rep.Kessler@legis.state.wi.us

Carbon copy (CC:) to: michael.dsida@legis.state.wi.us
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Time for public defender to assign counsel and the public defender rate for private attorneys

Instructions:

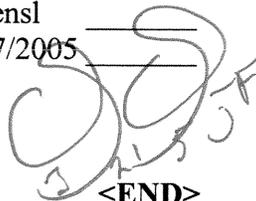
See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 02/16/2005	jdye 02/17/2005	pgreensl 02/17/2005		sbasford 02/17/2005	sbasford 02/23/2005	

FE Sent For:

1/2 3/21 jld


<END>

Jacket
Returned
02-28-05

2005 DRAFTING REQUEST

Bill

Received: 02/16/2005

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Frederick Kessler (608) 266-5813

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Kessler@legis.state.wi.us**

Carbon copy (CC:) to: **michael.dsida@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Time for public defender to assign counsel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rryan 02/16/2005	jdyer 02/17/2005	pgreensl 02/17/2005	_____	sbasford 02/17/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **02/16/2005**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Frederick Kessler (608) 266-5813**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Public Defender**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kessler@legis.state.wi.us**

Carbon copy (CC:) to: **michael.dsida@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Time for public defender to assign counsel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan	1 2/17 jld	2/11 PS	2/17 PS			

FE Sent For:

<END>

2/16

Kessler

977.08 - add as soon as reasonably possible after "subs (3) & (4)"



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2154/2

RLR:.....

In 2/16/05

Jed
pmre

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-Note

Gen. Cat.

1 AN ACT...; relating to: time for the state public defender to assign counsel.

Analysis by the Legislative Reference Bureau

Under current law, the State Public Defender (SPD) provides indigent people legal representation for certain types of proceedings including criminal, commitment, protective placement, paternity, and juvenile delinquency proceedings. The SPD also provides children legal counsel in certain types of cases regardless of the child's economic status. Once the SPD determines that a person is eligible for SPD representation, the SPD must assign counsel for the person. This bill provides that the SPD must assign counsel to a person as soon as reasonably possible after determining that the person is eligible.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 977.07 (1) (d) of the statutes is amended to read:

3 977.07 (1) (d) If the representative of the state public defender or the county
4 designee determines that a person is indigent or if no determination of indigency is
5 required as provided in par. (a), the case shall be referred to or within the office of

1 the state public defender as soon as reasonably possible ✓ for assignment of counsel
2 under s. 977.08.

History: 1977 c. 29; 1979 c. 175 s. 53; 1979 c. 356; 1981 c. 20 s. 1833, 2202 (41) (a); Sup. Ct. Order, 123 Wis. 2d xi (1985); 1985 a. 29; 1987 a. 27, 61, 399; 1991 a. 39; 1993 a. 16, 451, 491; 1995 a. 27, 77; 2001 a. 16.

3 **SECTION 2.** 977.08 (1) of the statutes is amended to read:

4 977.08 (1) If the representative or the authority for indigency determinations
5 specified under s. 977.07 (1) refers a case to or within the office of the state public
6 defender or if a case is referred under s. 48.23 (4), the state public defender shall
7 assign counsel according to subs. (3) and (4) as soon as reasonably possible. ✓ If a
8 defendant makes a request for change of attorney assignment, the change of attorney
9 must be approved by the circuit court.

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

10

(END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2154/1dn

RLR:.....

Jed

Representative Kessler,

I assumed that you also want to require under s. 977.07 (1) (d) that the person who makes the indigency determination must refer the case for assignment of counsel as soon as reasonably possible after making the indigency determination.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2154/1dn
RLR:jld:pg

February 17, 2005

Representative Kessler,

I assumed that you also want to require under s. 977.07 (1) (d) that the person who makes the indigency determination must refer the case for assignment of counsel as soon as reasonably possible after making the indigency determination.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Basford, Sarah

From: Ryan, Robin
Sent: Wednesday, February 23, 2005 1:22 PM
To: LRB.Legal
Subject: jacket request

Could you please jacket LRB-2154 for Rep. Kessler.
Thanks

Msg. from Sharon Little

LRB 2154

Redraft to

Ⓢ Increase rate for private
attorneys to \$75/hr.

Ryan, Robin

From: Ryan, Robin
Sent: Wednesday, March 02, 2005 10:52 AM
To: Little, Sharon
Subject: public defender bill draft

Hi Sharon,
The public defender currently pays private attorneys \$40 per hour except travel is reimbursed at \$25 an hour. You said, Rep. Kessler wants to raise the rate to \$75 an hour. Should I leave the travel reimbursement at \$25? Also, should the rate increase be effective for cases assigned on the effective date of the bill, or do you want a delayed or retroactive effective date for the rate increase?

Thanks,
Robin

3/14

Phone call from Sharon

Raise rate to \$70, not \$75
& leave travel at \$25

Call from Rep. Kessler

just apply new rate to newly
assigned cases.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2154/1²

RLR:jld:pg

In 3/16/05

2005 BILL

RMR

the state public defender reimbursement rate for private attorney's fees

Regen

1
2

AN ACT *to amend* 977.07 (1) (d) and 977.08 (1) of the statutes; relating to: time for the state public defender to assign counsel.

Analysis by the Legislative Reference Bureau

Under current law, the State Public Defender (SPD) provides indigent people legal representation for certain types of proceedings including criminal, commitment, protective placement, paternity, and juvenile delinquency proceedings. The SPD also provides children legal counsel in certain types of cases regardless of the child's economic status. Once the SPD determines that a person is eligible for SPD representation, the SPD must assign counsel for the person. This bill provides that the SPD must assign counsel to a person as soon as reasonably possible after determining that the person is eligible.

INS A
INS B

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 977.07 (1) (d) of the statutes is amended to read:
977.07 (1) (d) If the representative of the state public defender or the county designee determines that a person is indigent or if no determination of indigency is required as provided in par. (a), the case shall be referred to or within the office of

BILL

SECTION 1

1 the state public defender as soon as reasonably possible for assignment of counsel
2 under s. 977.08.

3 **SECTION 2.** 977.08 (1) of the statutes is amended to read:

4 977.08 (1) If the representative or the authority for indigency determinations
5 specified under s. 977.07 (1) refers a case to or within the office of the state public
6 defender or if a case is referred under s. 48.23 (4), the state public defender shall
7 assign counsel according to subs. (3) and (4) as soon as reasonably possible. If a
8 defendant makes a request for change of attorney assignment, the change of attorney
9 must be approved by the circuit court.

JNS 2-9
10 →

(END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2154/2ins
RLR:.....

26
4
Ins A:

The SPD may assign cases to attorneys employed by the SPD or to private attorneys. The SPD reimburses private attorneys \$40 an hour for time spent related to a case, excluding travel time. (The SPD reimburses private attorneys \$25 an hour for out-of-county travel.)

26
4
Ins B:

and increases the reimbursement rate for private attorneys from \$40 an hour to \$70 an hour.

4 For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

1

2

3

Ins 2-9:

4

SECTION 1. 977.08 (4m) (c) of the statutes is amended to read:

5

977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.

6

977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after

7

July 29, 1995, and before the effective date of this paragraph... [revisor inserts date],

8

private local attorneys shall be paid \$40 per hour for time spent related to a case,

9

excluding travel, and \$25 per hour for time spent in travel related to a case if any

10

portion of the trip is outside the county in which the attorney's principal office is

11

located or if the trip requires traveling a distance of more than 30 miles, one way,

12

from the attorney's principal office.

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

13

SECTION 2. 977.08 (4m) (d) of the statutes is created to read:

14

977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.

15

977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after

16

the effective date of this paragraph... [revisor inserts date], private local attorneys

1 shall be paid \$70[✓] per hour for time spent related to a case, excluding travel, and \$25
2 per hour for time spent in travel related to a case if any portion of the trip is outside
3 the county in which the attorney's principal office is located or if the trip requires
4 traveling a distance of more than 30 miles, one way, from the attorney's principal
5 office.[✓]

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

6 **SECTION 3. Initial applicability.**

7 (1) PRIVATE ATTORNEY REIMBURSEMENT. The treatment of section 977.08 (4m) (c)
8 and (d)[✓] of the statutes first applies to cases assigned on the effective date of this
9 subsection.[✓]

2154 Redraft

4/5/05

Rep. Kessler

- ① w/in 24 hrs. of IA, SPD must make emergency ~~funding~~ decision
- ② w/in 48 hrs. of IA, SPD must appt. counsel

If not done w/ 48 hrs., circuit judge makes the emergency decision

② appoints counsel from a list maintained by the chief judge



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2154/2

RLR:jld:rs

3

In 5/5/05

2005 ASSEMBLY BILL

RMPC

make indigency determinations and

D-Note

Regen

1 AN ACT to amend 977.07 (1) (d), 977.08 (1) and 977.08 (4m) (c); and to create
2 977.08 (4m) (d) of the statutes; relating to: the State Public Defender
3 reimbursement rate for private attorneys and time for the State Public
4 Defender to assign counsel.

Analysis by the Legislative Reference Bureau

Under current law, the State Public Defender (SPD) provides indigent people legal representation for certain types of proceedings including criminal, commitment, protective placement, paternity, and juvenile delinquency proceedings. The SPD also provides children legal counsel in certain types of cases regardless of the child's economic status. Once the SPD determines that a person is eligible for SPD representation, the SPD must assign counsel for the person. The SPD may assign cases to attorneys employed by the SPD or to private attorneys. The SPD reimburses private attorneys \$40 an hour for time spent related to a case, excluding travel time. (The SPD reimburses private attorneys \$25 an hour for out-of-county travel.)

This bill provides that the SPD must assign counsel to a person as soon as reasonably possible after determining that the person is eligible and increases the reimbursement rate for private attorneys from \$40 an hour to \$70 an hour.

INST

INS. 2

ASSEMBLY BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 977.07 (1) (d) of the statutes is amended to read:

977.07 (1) (d) If the representative of the state public defender or the county designee determines that a person is indigent or if no determination of indigency is required as provided in par. (a), the case shall be referred to or within the office of the state public defender as soon as reasonably possible for assignment of counsel under s. 977.08.

SECTION 2. 977.08 (1) of the statutes is amended to read:

977.08 (1) If the representative or the authority for indigency determinations specified under s. 977.07 (1) refers a case to or within the office of the state public defender or if a case is referred under s. 48.23 (4), the state public defender shall assign counsel according to subs. (3) and (4) as soon as reasonably possible. If a defendant makes a request for change of attorney assignment, the change of attorney must be approved by the circuit court.

SECTION 3. 977.08 (4m) (c) of the statutes is amended to read:

977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after July 29, 1995, and before the effective date of this paragraph ... [revisor inserts date], private local attorneys shall be paid \$40 per hour for time spent related to a case, excluding travel, and \$25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is

INS 2-13 →

ASSEMBLY BILL

1 located or if the trip requires traveling a distance of more than 30 miles, one way,
2 from the attorney's principal office.

3 **SECTION 4.** 977.08 (4m) (d) of the statutes is created to read:

4 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
5 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
6 the effective date of this paragraph [revisor inserts date], private local attorneys
7 shall be paid \$70 per hour for time spent related to a case, excluding travel, and \$25
8 per hour for time spent in travel related to a case if any portion of the trip is outside
9 the county in which the attorney's principal office is located or if the trip requires
10 traveling a distance of more than 30 miles, one way, from the attorney's principal
11 office.

12 **SECTION 5. Initial applicability.**

13 (1) PRIVATE ATTORNEY REIMBURSEMENT. The treatment of section 977.08 (4m) (c)
14 and (d) of the statutes first applies to cases assigned on the effective date of this
15 subsection.

16 (END)

D-Note

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2154/3ins
RLR:.....

INS 1:
The SPD must make indigency determinations with respect to persons who request appointment of counsel on the basis of indigency and must assign counsel for all people who are eligible for SPD representation.

INS 2:
This bill requires the SPD to make indigency determinations for criminal defendants within one business day of the defendant's initial appearance, and requires the SPD to appoint counsel for criminal defendants who are determined to be indigent within one business day of the indigency determination or two business days of the initial appearance, whichever is later. If the SPD does not meet these deadlines, the circuit court judge may make the indigency determination and appoint counsel. The bill also

INS 2-13:

SECTION 1. 977.07 (1) (a) of the statutes is amended to read:

977.07 (1) (a) Determination of indigency for persons entitled to counsel shall be made as soon as possible ~~and~~ ^{plain} and for a defendant in a criminal proceeding shall be made within one business day after the defendant's initial appearance.

Determinations shall be made in accordance with the rules promulgated by the board under s. 977.02 (3) and the system established under s. 977.06. No determination of indigency is required for a child who is entitled to be represented by counsel under s. 48.23 or 938.23.

History: 1977 c. 29; 1979 c. 175 s. 53; 1979 c. 356; 1981 c. 20 s. 1833, 2202 (41) (a); Sup. Ct. Order, 123 Wis. 2d xi (1985); 1985 a. 29; 1987 a. 27, 61, 399; 1991 a. 39; 1993 a. 16, 451, 491; 1995 a. 27, 77; 2001 a. 16.

SECTION 2. 977.07 (2g) of the statutes is created to read:

977.07 (2g) Notwithstanding subs. (1) and (2), if an indigency determination in a criminal proceeding is not made in the time allotted under sub. (1), the circuit court judge may determine whether the defendant is indigent. If the court



determines under this subsection that a defendant is indigent, the state public defender shall appoint counsel under s. 977.08.

SECTION 3. 977.08 (1) of the statutes is amended to read:

977.08 (1) If the representative or the authority for indigency determinations specified under s. 977.07 (1) refers a case to or within the office of the state public defender or, if a case is referred under s. 48.23 (4), or if a court determines a defendant is indigent under s. 977.07 (2g), the state public defender shall assign counsel according to subs. (3) and (4). In criminal cases, the state public defender shall assign counsel within 2 business days after the initial appearance or within one business day after a determination of indigency is made, whichever is later. If a defendant makes a request for change of attorney assignment, the change of attorney must be approved by the circuit court.

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

SECTION 4. 977.08 (3) (b) of the statutes is amended to read:

977.08 (3) (b) A final set of lists for each county shall be prepared, certified and annually updated by the state public defender. The state public defender shall submit a copy of the list for each county to the chief judge of the judicial administrative district. Persons may not be excluded from any list unless the state public defender states in writing the reasons for such action in the context of existing rules adopted by the state public defender board. Any attorney thus excluded shall then have the opportunity to appeal the state public defender's decision to the board, which shall issue a final decision in writing.

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

SECTION 5. 977.08 (3m) of the statutes is created to read:



977.08 (3m) Notwithstanding subs. (1) and (3), if the state public defender does not within the time allotted under sub. (1) appoint counsel for a criminal defendant who has been determined to be indigent, the court may appoint counsel from a list of attorneys maintained by the chief judge of the judicial administrative district.

SECTION 6. 977.08 (4) of the statutes is amended to read:

977.08 (4) At the conclusion of each case, any private local attorney who has been appointed under sub. (3) or (3m) shall submit a copy of his or her bill to the state public defender. The state public defender shall review the bill and reject it or approve it in whole or in part. The state public defender shall then pay the bill according to the rates under sub. (4m). Any attorney dissatisfied with the decision of the state public defender regarding the bill may have the decision reviewed by the board. This subsection does not apply if the attorney is working under an agreement authorized under s. 977.02 (7m) or a contract authorized under sub. (3) (f).

History: 1977 c. 29, 354; 1979 c. 352, 356; 1981 c. 20; 1983 a. 377; 1985 a. 29 ss. 2473 to 2476a, 3202 (42); 1985 a. 120; 1987 a. 27, 399; 1989 a. 12; 1991 a. 39, 263; 1993 a. 16, 318, 423, 451, 491; 1995 a. 27, 77; 1997 a. 27; 1999 a. 9.

(end insert)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2154/3dn

RLR:.....

↑
JLD

Representative Kessler:

1. Since you made the time limits for determining indigency and appointing counsel start with the initial appearance, I assumed that you wish to apply the time limits only to appointment of counsel for criminal trials, and not to appeals, post-conviction motions, civil commitments, or paternity actions. *

2. The bill does not require judges to use the standards in the statutes or in SPD rules to determine indigency? Should it? *

3. The bill requires the ~~state public defender~~ ^{SPD} to provide its private counsel lists to the chief judges, but does not require judges to use the SPD lists to make appointments. *

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2154/3dn
RLR:jld:pg

May 9, 2005

Representative Kessler:

1. Since you made the time limits for determining indigency and appointing counsel start with the initial appearance, I assumed that you wish to apply the time limits only to appointment of counsel for criminal trials, and not to appeals, postconviction motions, civil commitments, or paternity actions.
2. The bill does not require judges to use the standards in the statutes or in SPD rules to determine indigency. Should it?
3. The bill requires the SPD to provide its private counsel lists to the chief judges, but does not require judges to use the SPD lists to make appointments.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us