

2007 DRAFTING REQUEST

Bill

Received: 01/03/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: wavrunek

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Public Defender

Extra Copies:

Submit via email: NO

Pre Topic:

DOA:.....Wavrunek, BB0285 -

Topic:

Charge for copying discovery materials for the State Public Defender

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>
/?							State
/1	rryan 01/11/2007	jdye 01/11/2007	rschluet 01/11/2007		sbasford 01/11/2007		

FE Sent For:

<END>

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Requester's email:

Carbon copy (CC:) to:

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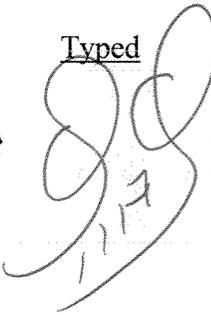
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/?	rryan	1 1/2 jld					State

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Costs of discovery materials for the State Public Defender
- Tracking Code: BB0285
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: SPD
- Agency number: 550
- Priority (Low, Medium, High): Medium

Create statutory language that requires counties to only charge the cost of reproduction for discovery materials when produced for the State Public Defender.

Currently, the SPD must pay the costs of discovery materials requested in their cases. Counties are inconsistent when charging for these costs. The intent of the language request is to require that counties only charge the cost of reproduction of these materials.

Ryan, Robin

From: Wavrunek, Leah J - DOA
Sent: Thursday, January 11, 2007 10:37 AM
To: Ryan, Robin
Subject: RE: BB0285

Hi Robin,

I checked with the SPD on this and they say the problem they are having is with CD's and DVD's, more of the multimedia formats. They negotiated with Milwaukee County to only charge \$100 per CD for juvenile cases. The SPD does use the statute when they feel other costs are added into their fee when it comes to paper copies.

So maybe the best approach is to include other forms of discovery beyond paper?

Thanks for your help,

Leah

From: Ryan, Robin [<mailto:Robin.Ryan@legis.wisconsin.gov>]
Sent: Wednesday, January 03, 2007 4:10 PM
To: Wavrunek, Leah J - DOA
Subject: BB0285

Hi Leah,

I am working on BB0285.

Current law already provides for criminal discovery that no person may charge the public defender more than the actual, necessary, and direct cost of photocopying discovery materials (See s. 971.23 (10)).

Is the problem that this is not clear enough, or that it only applies to criminal proceedings? If this is not clear enough, perhaps I can include examples of what may not be included in the fee for reproducing materials, for example employee time. What costs may be included -- paper and machine usage?

Do you want to include a provision in the civil discovery chapter that applies to the cost of reproducing materials for clients in civil actions who are represented by the public defender?

Feel free to call me at 261-6927.

Robin Ryan



LPS -
Fix request
sheet

In 1/11/07

JLD

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DOA:.....wavrunek, BB0285 - Charge for copying discovery materials for the
State Public Defender

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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1

AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

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PUBLIC DEFENDER

Under current law, when the state public defender requests photocopies of materials that are discoverable in a criminal, juvenile court, or sexually violent person commitment case, the person providing photocopies may not charge the state public defender more than the actual, necessary, and direct cost of photocopying. This bill specifies that, regardless of the format in which copies of discoverable materials are provided to the state public defender in such cases, the person providing the copies may not charge the state public defender more than the actual, necessary, and direct cost of providing the copies.

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:

2

SECTION 1. 971.23 (10) of the statutes is amended to read:



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1326/1

RLR:jld:rs

DOA:.....Wavrunek, BB0285 - Charge for copying discovery materials for the
State Public Defender

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

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