

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>17-0883/1</b>	<b>Introduction Number</b> <b>AB-0037</b>
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**Description**  
 Increasing the rate paid to private attorneys for representing indigent clients

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1)(d)	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
SPD/ Martina Allen (608) 267-7734	Adam Plotkin (608) 264-8572	2/24/2017

## Fiscal Estimate Narratives

SPD 2/24/2017

LRB Number	<b>17-0883/1</b>	Introduction Number	<b>AB-0037</b>	Estimate Type	<b>Original</b>
<b>Description</b> Increasing the rate paid to private attorneys for representing indigent clients					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Under current law, the SPD provides legal representation for indigent persons in criminal, delinquency, and certain related cases. The SPD assigns cases either to staff attorneys or, in conflict of interest or overflow cases, to certified private attorneys. Currently, a private attorney who is assigned a case by the SPD is paid \$40 per hour for time spent related to the case and \$25 per hour for time spent in travel in certain situations. This bill increases to \$100 per hour the amount a private attorney is paid for time spent related to the case.

In FY16, the SPD was appropriated \$22.8 million for private bar representation at a \$40 per hour rate for time spent related to representation, of which all monies appropriated are fully expended within the biennium. Under this bill, if the private bar rate was increased to \$100 per hour the SPD would have been appropriated \$57.0 million, which is a net increase of \$34.2 million.

### Long-Range Fiscal Implications