



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1485/P2
MLJ:kjf

DOA:.....Hamer, BB0212 - Private Bar Rate

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

1. Public defender private attorney rate increase

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from \$40 per hour for time spent related to a case, excluding travel, to \$70 per hour for time spent related to a case, excluding travel, with certain exceptions. Under the bill, the rate must be adjusted biennially by a percentage that correlates with the federal Department of Labor's consumer price index.

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. 977.08 (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 January 1, 2020, 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 located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

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

977.08 (**4m**) (d) 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 January 1, 2020, private local attorneys shall be paid \$70 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 located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 3. 977.08 (4s) of the statutes is created to read:

977.08 (**4s**) The rates established under sub. (4m) (d) shall be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the bureau of labor statistics of the federal department of labor, except that the percentage under this subsection may not be less than zero.

***NOTE: Current law limits in several places the amount that a guardian ad litem may be paid to the amount in s. 977.08 (4m) (b), which is \$50 per hour for time spent in court; \$40 per hour for time spent out of court, excluding travel; and \$25 per hour for time spent in travel. Do you want those limits to be changed to correspond with the higher hourly rate in the newly created s. 977.08 (4m) (d)?

(END)