



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1329/P2
CMH&MLJ:ahc

DOA:.....Potts, BB0205 - SPD Block Grant

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

This bill consolidates the appropriations to the public defender from several specific categories of appropriations to one general appropriation to cover all operational costs of the office of the state public defender. This bill also allows the public defender board to request authorization for certain additional full-time or part-time positions in the office of the state public defender funded from GPR from the governor rather than having to request authorization for additional positions from JCF.

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

SECTION 1. 16.505 (2) (am) of the statutes is created to read:

16.505 (2) (am) The state public defender board may request the governor to create or abolish a full-time equivalent position or portion thereof funded from

SECTION 1

revenues specified in s. 20.001 (2) (a) in the office of the state public defender. Upon receiving such a request, the governor may change the authorized level of full-time equivalent positions funded from such revenues in the office of the state public defender in accordance with this subsection. The governor may approve a different authorized level of positions than is requested by the state public defender board. If the governor proposes to change the number of full-time equivalent positions in the office of the state public defender funded from revenues specified in s. 20.001 (2) (a), the governor shall notify the joint committee on finance in writing of his or her proposed action. If the cochairpersons of the committee do not notify the governor that the committee has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date of the governor's notification, the position changes may be made as proposed by the governor. If, within 14 working days after the date of the governor's notification, the cochairpersons of the committee notify the governor that the committee has scheduled a meeting for the purpose of reviewing the proposed action, the position changes may be made under this subsection only upon approval of the committee.

SECTION 2. 20.550 (1) (a) of the statutes is amended to read:

20.550 (1) (a) *Program ~~administration~~ operation.* ~~The Biennially, the~~ amounts in the schedule for ~~program administration costs~~ the operation of the office of the state public defender, excluding the costs under ~~pars. par. (e) and (fb).~~

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.550 (1) (b) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.550 (1) (c) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.550 (1) (d) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 6. 20.550 (1) (e) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.550 (1) (em) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.550 (1) (f) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 967.06 (3) of the statutes is amended to read:

967.06 (3) In any case in which the state public defender provides representation to an indigent person, the public defender may request that the applicable court reporter or clerk of circuit court prepare and transmit any transcript or court record. The request shall be complied with. The state public defender shall, from the appropriation under s. 20.550 (1) (~~f~~) (a), compensate the court reporter or clerk of circuit court for the cost of preparing, ~~handling~~, duplicating, and mailing the documents.

***NOTE: This is reconciled s. 967.06 (3). This SECTION has been affected by drafts with the following LRB numbers: -0914/P1 and -1329/P1.

SECTION 10. 970.05 (2) (b) of the statutes is amended to read:

970.05 (2) (b) When a transcript is requested under sub. (1) by the state public defender or by a private attorney appointed under s. 977.08, the state public defender shall pay the cost of the original from the appropriation under s. 20.550 (1) (~~f~~) (a) and any additional copies shall be paid for at the statutory rate by the party requesting the copies.

SECTION 11. 971.23 (10) of the statutes is amended to read:

971.23 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS.

When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this section, the state public defender shall pay any fee charged for the copies from the appropriation account under s. 20.550 (1) ~~(f)~~ (a). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

SECTION 12. 977.085 (1) (a) of the statutes is amended to read:

977.085 (1) (a) Private bar and staff case loads at the trial and appellate levels and expenditures of moneys under s. 20.550 (1) ~~(b) to (d)~~ (a) for the current fiscal year.

SECTION 13. 977.085 (1) (b) of the statutes is amended to read:

977.085 (1) (b) Projections for the private bar and staff case loads at the trial and appellate levels and for expenditures of moneys under s. 20.550 (1) ~~(b) to (d)~~ (a) for the remainder of the current fiscal year and for the next fiscal year.

SECTION 14. 977.085 (1m) of the statutes is amended to read:

977.085 (1m) The projections under sub. (1) (b) shall include the number of cases projected to be assigned to the private bar and the number of cases for which reimbursement will be made under s. 20.550 (1) ~~(d)~~ (a).

SECTION 15. 977.085 (2) (intro.) of the statutes is amended to read:

977.085 (2) (intro.) If the projections under sub. (1) (b) indicate that moneys are being expended under s. 20.550 (1) ~~(d)~~ (a) at a rate which will deplete the appropriation prior to the end of the current fiscal year, the board shall include in the

report a plan to address the problem. The plan shall include proposals for one or more of the following:

(END)