



1995 ASSEMBLY BILL 560

September 14, 1995 - Introduced by Representatives OTT, PROSSER, KAUFERT, GREEN, LEHMAN, GOETSCH, POWERS, WARD, KELSO, DOBYNS, HARSDFORF, AINSWORTH, OLSEN, WILDER, OTTE, SCHNEIDERS, HAHN, OWENS, F. LASEE, HANSON, GUNDERSON, HUBER and LADWIG, cosponsored by Senators BUETTNER, COWLES and HUELSMAN, by request of Outagamie County Board of Supervisors. Referred to Committee on Judiciary.

- 1 **AN ACT to renumber and amend 970.05; to amend 970.05 (title); and to create**
2 970.05 (2) (c) of the statutes; **relating to:** payment for the cost of transcribing
3 a preliminary hearing transcript.

Analysis by the Legislative Reference Bureau

Under current law, a person charged with a felony is entitled to a preliminary hearing at which a judge must determine whether there is probable cause to believe the person has committed a felony. At the request of the district attorney or the defendant or on the order of the judge, testimony given at a preliminary examination must be transcribed by a court reporter, who must file a transcript of the testimony with the clerk of court. When, in a case involving an indigent defendant, a transcript is requested by the state public defender (SPD) or by a private attorney appointed by the SPD, the SPD must pay the cost of preparing the original transcript, while the cost of any additional copies are paid for by the party requesting the copies. When a transcript is requested by someone other than the SPD or a private attorney appointed by the SPD, the county in which the court is located must pay the cost of preparing the original transcript, while the cost of any additional copies are paid for by the party requesting the copies.

This bill provides that when a transcript of the testimony of a preliminary hearing is requested by a defendant who is not indigent and therefore not entitled to representation by the SPD or by an attorney retained by a defendant who is not indigent, the defendant, rather than the county, must pay the cost of preparing the original transcript, while the cost of any additional copies are paid for by the party requesting the copies.

For further information see the *local* 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:

1 **SECTION 1.** 970.05 (title) of the statutes is amended to read:

2 **970.05** (title) **Testimony at preliminary examination; payment for**
3 **transcript of testimony.**

4 **SECTION 2.** 970.05 of the statutes is renumbered 970.05 (1) and amended to
5 read:

6 970.05 (1) The testimony at the preliminary examination shall be transcribed
7 if requested by the district attorney ~~or~~, the defendant or an attorney representing the
8 defendant or ordered by the judge to whom the trial is assigned. The reporter shall
9 file such transcript with the clerk within 10 days after it is requested.

10 **(2) (a)** When a transcript is requested under sub. (1) by someone other than ~~the~~
11 ~~state public defender or a private attorney appointed under s. 977.08~~ a person
12 specified in par. (b) or (c), the county shall pay the cost of the original and any
13 additional copies shall be paid for at the statutory rate by the party requesting the
14 copies.

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

20 **SECTION 3.** 970.05 (2) (c) of the statutes is created to read:

