

1987 Wisconsin Act 61

AN ACT to amend 977.07 (3); and to create 977.07 (2) (c) and 977.07 (3m) of the statutes, relating to indigency determinations under the state public defender system.

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

SECTION 1. 977.07 (2) (c) of the statutes is created to read:

977.07 (2) (c) A person seeking to have counsel assigned for him or her under s. 977.08 shall certify under oath that he or she has not disposed of any assets for the purpose of qualifying for that assignment of counsel. If the representative or authority making the indigency determination finds that any asset was disposed of for less than its fair market value for the purpose of obtaining that assignment of counsel, the asset shall be counted under par. (a) at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

SECTION 2. 977.07 (3) of the statutes is amended to read:

977.07 (3) A circuit court may review any indigency determination upon its own motion or the motion of the defendant and shall review any indigency determination upon the motion of the district attorney or the state public defender. The court, district attorney or state public defender may summon the defendant. The defendant may be compelled to testify only as to his or her financial eligibility under this section. If the defendant refuses to testify, the court may find the defendant is not eligible to have counsel assigned for

him or her under s. 977.08. If the defendant testifies at this hearing, his or her testimony as to his or her financial eligibility under this section may not be used directly or indirectly in any criminal action.

SECTION 3. 977.07 (3m) of the statutes is created to read:

977.07 (3m) (a) The state public defender shall promptly release a copy of any affidavit or other information provided by a person regarding financial eligibility under this section only if the state public defender or a circuit court finds all of the following:

1. The person is not eligible to have counsel assigned under s. 977.08.

2. The person disposed of an asset for less than its fair market value for the purpose of obtaining assignment of counsel.

(b) Paragraph (a) does not limit the authority of the state public defender to release a copy of the affidavit or other information under other circumstances.

SECTION 4. **Initial applicability.** The creation of section 977.07 (2) (c) and (3m) of the statutes applies to assets disposed of on or after the effective date of this SECTION.

SECTION 5. **Effective date.** This act takes effect on the first day of the 3rd month commencing after its publication.