

June 1980 Spec. Sess.
Assembly Bill 3

Date published: June 30, 1980

CHAPTER 356, Laws of 1979

AN ACT to repeal 880.33 (2) (a) 2 and 977.02 (6); to renumber and amend 880.33 (2) (a) 3 and 977.02 (4); to amend 20.550 (1) (d), 48.23 (4), 51.20 (3), 51.45 (12) (c) 2 and (13) (b) 2, 57.06 (3), 230.08 (2) (q), 757.66, 757.69 (1) (b) and (h), 967.06, 970.02 (1) (b) and (6), 973.06 (1) (e), 977.05 (1) to (3) and (5) (b), 977.06 (1), 977.07 and 977.08 (1) and (4); and to create 20.550 (1) (e), 46.225, 59.077, 230.08 (2) (e) 9m, 973.09 (1g), 977.001, 977.02 (4), 977.07 (1) (b) to (d), (3) and (4) and 977.08 (5) and (6) of the statutes, relating to legal representation of indigents and making appropriations.

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

SECTION 1. At the appropriate place in the schedule in section 20.005 of the statutes, insert the following amounts for the purposes indicated:

	1979-80	1980-81
20.550 Public defender board		
(1) LEGAL ASSISTANCE		
(e) Indigency determinations	GPR A -0-	87,000

SECTION 3. 20.550 (1) (d) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

20.550 (1) (d) (title) *Private bar and investigator reimbursement*. Biennially, the amounts in the schedule for the reimbursement of private attorneys appointed to act as counsel for an indigent person under s. 977.08 and reimbursement for contracting for services of private investigators.

SECTION 4. 20.550 (1) (e) of the statutes is created to read:

20.550 (1) (e) *Indigency determinations*. The amounts in the schedule for the reimbursement of counties for the costs of indigency determinations, in accordance with s. 977.07 (4).

SECTION 5. 46.225 of the statutes is created to read:

46.225 Indigency determinations. If applicable under s. 977.07 (1), a county department or board under s. 46.21, 46.22 or 46.23 shall make indigency determinations.

SECTION 6. 48.23 (4) of the statutes is amended to read:

48.23 (4) (title) PROVIDING COUNSEL. In any situation under this section in which a child has a right to be represented by counsel or is provided counsel at the discretion of the court, except for situations arising under sub. (2) where the child entitled to representation is a parent; and counsel is not knowingly and voluntarily waived; and it appears that the child is unable to afford counsel in full, or the child so indicates; the court shall refer the child to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977;~~ but if there is no state public defender program in the county, the court shall determine whether the child is indigent, if so shall appoint counsel, and shall provide for counsel's reimbursement in any manner suitable to the court authority for indigency determinations specified under s. 977.07 (1). In any situation under sub. (2) in which a parent is entitled to representation by counsel; counsel is not knowingly and voluntarily waived; and it appears that the parent is unable to afford counsel in full, or the parent so indicates; the court shall refer the parent to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977;~~ but if there is no state public defender program in the county, the court shall determine whether the parent is indigent, and if so shall appoint counsel, and shall provide for counsel's reimbursement in any manner suitable to the court authority for indigency determinations specified under s. 977.07 (1). The court may appoint a guardian ad litem in any appropriate matter. In any other situation under this section in which a person has a right to be represented by counsel or guardian ad litem or is provided counsel or guardian ad litem at the discretion of the court, competent and independent counsel or guardian ad litem shall be provided and reimbursed in any manner suitable to the court regardless of the person's ability to pay.

SECTION 7. 51.20 (3) of the statutes is amended to read:

51.20 (3) LEGAL COUNSEL. At the time of the filing of the petition the court shall assure that the subject individual is represented by adversary counsel. If the individual claims or appears to be indigent, the court shall refer the person to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977~~ authority for indigency determinations specified under s. 977.07 (1).

SECTION 8. 51.45 (12) (c) 2 and (13) (b) 2 of the statutes are amended to read:

51.45 (12) (c) 2. Assure that the person sought to be committed is represented by counsel and, if the person claims or appears to be indigent, refer the person to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977~~ authority for indigency determinations specified under s. 977.07 (1).

(13) (b) 2. Assure that the person is represented by counsel and, if the person claims or appears to be indigent, shall refer the person to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977~~ authority for indigency determinations specified under s. 977.07 (1). The person shall be represented by counsel at the preliminary hearing under par. (d). The person may, with the approval of the court, waive his or her right to representation by counsel at the full hearing under par. (f).

SECTION 9. 57.06 (3) of the statutes is amended to read:

57.06 (3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law. The final administrative hearing shall be held before hearing examiners who are licensed to practice law in this state. The hearing examiners shall enter an order revoking or not revoking parole which order shall be, upon request by either party, reviewed by the secretary. If the examiner or the secretary upon review finds that the prisoner has violated the rules or conditions of parole, the examiner, or the secretary upon review, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole, and in either case, may order that the prisoner forfeit good time as provided in s. 53.11 (2a). If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the ~~state public defender for an indigency determination and appointment of counsel under ch. 977~~ authority for indigency determinations specified under s. 977.07 (1).

SECTION 10. 59.077 of the statutes is created to read:

59.077 Defense of indigents. In each county, the county board may enact an ordinance for indigency determinations under s. 977.07 (1). The county board may adopt a resolution altering its coverage in the state public defender program under s. 977.08 (5) (e) or (f).

SECTION 11. 230.08 (2) (e) 9m of the statutes is created to read:

230.08 (2) (e) 9m. Public defender — 2.

SECTION 12. 230.08 (2) (q) of the statutes, as created by chapter 34, laws of 1979, is amended to read:

230.08 (2) (q) The state public defender, ~~the deputy state public defenders~~ and attorney positions in the office of the state public defender.

SECTION 13. 757.66 of the statutes, as affected by chapter 323, laws of 1979, is amended to read:

757.66 Recovery of legal fees paid for indigent defendants. Whenever a county or the state has paid for legal representation of an indigent defendant and the county board or the department of justice so requires, the clerk of the court where representation for the indigent was appointed shall prepare, sign and file in the office of the register of deeds, in a record book there to be kept for the purpose, a certificate stating the name and residence of the indigent beneficiary, the amount paid by the county or the state for his or her legal representation, the date when paid, the court and county in which the case was heard and such other information as the county board directs. If a certificate is filed within 6 months after payment is made by the county or the state it may, within the time after the filing provided by s. 893.86, commence an action to recover from the indigent defendant, or his or her estate if the action is commenced within the time set for filing claims by creditors, the amount paid by the county or the state for his or her legal representation. In any such action ss. 893.86 and 859.01, so far as applicable, may be pleaded in defense. The claim shall not take precedence over the allowances in ss. 861.31, 861.33 and 861.35.

The district attorney or the department of justice, as applicable, shall commence and prosecute all actions and proceedings necessary under this section to make the recovery when it appears that the indigent defendant or his or her estate is able to pay the claim.

SECTION 14. 757.69 (1) (b) and (h) of the statutes are amended to read:

757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search warrants and conduct initial appearances of persons arrested and set bail to the same extent as a judge. At the initial appearance, the court commissioner shall, when necessary, inform the defendant in accordance with s. 970.02 (1). If the defendant appears or claims to be unable to afford counsel, the court commissioner may refer the person to the state public defender for an indigency determination and appointment of counsel under ch. 977 authority for indigency determinations specified under s. 977.07 (1).

(h) Hear petitions for commitment and conduct probable cause hearings under ss. 51.20 and 51.45, advise a person alleged to be mentally ill of his or her rights under the United States and Wisconsin constitutions and refer such persons, if they claim or appear, if the person claims or appears to be unable to afford counsel, refer the person to the state public defender for an indigency determination and appointment of counsel under ch. 977 authority for indigency determinations specified under s. 977.07 (1).

SECTION 15. 880.33 (2) (a) 2 of the statutes is repealed.

SECTION 16. 880.33 (2) (a) 3 of the statutes is renumbered 880.33 (2) (a) 2 and amended to read:

880.33 (2) (a) 2. ~~On or after July 1, 1978, if~~ If the person requests but is unable to obtain counsel, the court shall refer the person to the state public defender for an indigency determination and appointment of counsel under ch. 977 authority for indigency determinations specified under s. 977.07 (1). If the person is indigent, the county of legal settlement shall be liable for guardian ad litem fees, if any.

SECTION 17. 967.06 of the statutes is amended to read:

967.06 Determination of indigency; appointment of counsel; preparation of record. As soon as practicable after a person has been detained or arrested in connection with any offense which is punishable by incarceration, or in connection with any civil commitment proceeding, or in any other situation in which a person is entitled to counsel regardless of ability to pay under the constitution or laws of the United States or this state, the person shall be informed of his or her right to counsel. Persons who indicate at any time that they wish to be represented by a lawyer, and who claim that they are not able to pay in full for a lawyer's services, shall immediately be permitted to contact the ~~nearest representative of the state public defender.~~ After presenting information as to their indigency, and after being found indigent in full or in part, such persons shall have counsel appointed for them by the representative of the state public defender as provided in ch. 977 authority for indigency determinations specified under s. 977.07 (1). In any case in which the state public defender provides representation to an indigent person, the county treasurer of the county in which the person was prosecuted or committed shall compensate the court reporter or clerk of courts for the preparation of any transcript or court record, upon the written statement of the state public defender that the documents were required in order to provide representation to the indigent person.

SECTION 18. 970.02 (1) (b) and (6) of the statutes are amended to read:

970.02 (1) (b) Of his ~~or her~~ right to counsel and, in any case required by the U.S. or Wisconsin constitution, that an attorney will be appointed to represent him ~~at county expense~~ or her if he or she is financially unable to employ counsel.

(6) In all cases in which the defendant is entitled to legal representation under the constitution or laws of the United States or this state, the judge or magistrate shall inform the defendant of his or her right to counsel and, if the defendant claims or appears to be indigent, shall refer the person to the ~~state public defender for an indigency determina-~~

~~tion and appointment of counsel under ch. 977~~ authority for indigency determinations specified under s. 977.07 (1).

SECTION 19. 973.06 (1) (e) of the statutes is amended to read:

973.06 (1) (e) Attorney fees payable to the defense attorney by the county or the state.

SECTION 20. 973.09 (1g) of the statutes is created to read:

973.09 (1g) If the court places the person on probation, the court may require that the probationer reimburse the county or the state, as applicable, for any costs for legal representation to the county or the state for the defense of the case.

SECTION 21. 977.001 of the statutes is created to read:

977.001 Sunset. The office of the state public defender shall cease operations on November 15, 1985, or the effective date of the 1985-87 biennial budget act, whichever is later.

SECTION 22. 977.02 (4) of the statutes is renumbered 977.02 (3) and amended to read:

977.02 (3) Promulgate rules regarding the determination of indigency of persons entitled to be represented by counsel, including the time period in which the determination must be made.

SECTION 23. 977.02 (4) of the statutes is created to read:

977.02 (4) Promulgate rules establishing procedures to assure that representation of indigent clients by the private bar at the initial stages of cases assigned under this chapter is at the same level as the representation provided by the state public defender.

SECTION 24. 977.02 (6) of the statutes is repealed.

SECTION 25. 977.05 (1) to (3) and (5) (b) of the statutes are amended to read:

977.05 (1) (title) **APPOINTMENT.** The board shall appoint a state public defender, who shall be a member of the state bar of Wisconsin. The state public defender shall serve for a period of 5 years and shall continue until a successor is appointed, except that at the conclusion of the 5-year term of the state public defender in office as of the effective date of this act (1979), the state public defender shall be appointed to serve at the pleasure of the board. He or she shall devote full time to the performance of duties as state public defender.

(2) **REMOVAL.** During the a 5-year term commencing prior to the effective date of this act (1979), the state public defender may be discharged only for cause by the board after a public hearing. If the state public defender is serving at the pleasure of the board, he or she is subject to removal under s. 17.07.

(3) **SALARY.** The salary of the state public defender shall not be decreased ~~during his or her term~~ while he or she serves in that position.

(5) (b) Designate persons as representatives of the state public defender for the purpose of making indigency determinations and appointing counsel, if applicable.

SECTION 26. 977.06 (1) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

977.06 (1) **APPOINTMENT.** The state public defender shall appoint all staff necessary for the carrying out of the duties of the office, all of whom shall be under the classified service except ~~2 deputy state public defenders~~ division administrators and the attorney positions in the office. ~~Each such deputy state public defender and attorney shall be appointed by the state public defender~~ The state public defender shall designate one of the division administrators as the deputy state public defender.

SECTION 27. 977.07 of the statutes, as affected by chapter 175, laws of 1979, is amended to read:

977.07 Determination of indigency. (1) (a) Determination of indigency for persons ~~referred to or contacting the state public defender~~ entitled to counsel shall be made as soon as possible and shall be in accordance with the rules promulgated by the board under s. 977.02 (4). ~~During the time period of July 1, 1978, to June 30, 1979, the state public defender shall permit judicial determination of indigency and judicial assignment of counsel as provided in chapter 29, laws of 1977, section 1655 (34m) (b). During the time period of July 1, 1978, to June 30, 1979, counties shall pay the legal fees for indigent representation where it has been determined that there will be judicial determination of indigency and judicial assignment of counsel as provided in chapter 29, laws of 1977, section 1655 (34m) (b) (3).~~

(2) The representative of the state public defender or the authority for indigency determinations specified under s. 977.07 (1) making a determination of indigency shall ascertain the assets of the person which exceed the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the person and the person's immediate family. ~~Such~~ The assets shall include disposable income, cash in hand, stocks and bonds, bank accounts and other property which can be converted to cash within a reasonable period of time and is not needed to hold a job, or to shelter, clothe and care for the person and the person's immediate family. Assets which cannot be converted to cash within a reasonable period of time, such as a person's home, car, household furnishings, clothing and other property which has been declared exempt from attachment or execution by law, shall be calculated to be assets equivalent in dollars to the amount of the loan which could be, in fact, raised by using these assets as collateral. If the person's assets, less reasonable and necessary living expenses, are not sufficient to cover the anticipated cost of effective representation when the length and complexity of the anticipated proceedings are taken fully into account, the person shall be determined to be indigent in full or in part. The determination of the ability of the person to contribute to the cost of legal services shall be based upon specific written standards relating to income, assets and the anticipated cost of representation. If found to be indigent in full or in part, the person shall be promptly informed of the state's right to recoupment under s. 757.66, and the possibility that such payment of ~~attorney's~~ attorney fees may be made a condition of probation, should the person be placed on probation. Furthermore, if found to be indigent in part, the person shall be promptly informed of the extent to which he or she will be expected to pay for counsel, and whether such payment shall be in the form of a lump sum payment or periodic payments. The payment and payment schedule shall be set forth in writing. Payments for services of the state public defender or other counsel provided under this chapter shall be paid to the state public defender for deposit in the state treasury.

SECTION 28. 977.07 (1) (b) to (d), (3) and (4) of the statutes are created to read:

977.07 (1) (b) For referrals not made under ss. 809.30 and 974.06:

1. A representative of the state public defender is responsible for making indigency determinations unless the county becomes responsible under subds. 2 and 3.

2. On or before October 1, 1980, counties not covered under s. 977.08 (5) (a) may decide by resolution to be responsible for indigency determinations under this paragraph beginning January 1, 1981.

3. On and after October 1, 1980, counties covered under s. 977.08 (5) (a) are responsible for making indigency determinations. On and after January 1, 1981, counties enacting ordinances under subd. 2 are responsible for making indigency determinations. The county board for the county shall designate any of the following to make indigency determinations:

a. The county social service department or public welfare department or the corporation counsel.

b. With the approval of the state public defender, any other office, officer, board, department or agency. If the designee is not a county office, officer, board, department or agency, the county board must have the approval of the designee.

(bn) Notwithstanding par. (b), if the state public defender board determines that timeliness standards under s. 977.02 (3) are not being met or that there is a pattern of improper denial of indigency findings in a county, the state public defender board shall transfer indigency determination authority to the state public defender.

(c) For all referrals made under ss. 809.30 and 974.06 (3) (b), a representative of the state public defender shall determine indigency.

(d) If the representative of the state public defender or the county designee determines that a person is indigent, the case shall be referred to or within the office of the state public defender for assignment of counsel under s. 977.08.

(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.

(4) The state public defender shall provide reimbursement from the appropriation under s. 20.550 (1) (e) for costs of counties regarding indigency determinations.

SECTION 29. 977.08 (1) and (4) of the statutes are amended to read:

977.08 (1) If the representative of the state public defender determines that a person is indigent in full or in part under s. 977.07, the representative or the authority for indigency determinations specified under s. 977.07 (1) refers a case to or within the office of the state public defender, the state public defender shall assign counsel according to the lists prepared under sub. (3) and according to the percentage established by the board under s. 977.02 (6) for that type of case in that county subs. (3) to (6). If a defendant makes a request for change of attorney assignment, the change of attorney must be approved by the circuit court.

(4) At the conclusion of each case, any private local attorney who has been appointed shall submit duplicate copies of his or her bill to the circuit court and to the state public defender. If the bill exceeds \$1,000 in a case involving a person with a crime against life under ss. 940.01 to 940.12 or exceeds \$750 in any other case, the circuit court shall, and for any other bill the circuit court may, submit comments to the state public defender within 30 days after the bill is submitted. After the 30-day period, the state public defender who shall review the bill and reject it or approve it in whole or in part. The state public defender shall then pay the bill according to the payment schedule established by the board. Any attorney dissatisfied with the decision of the state public defender regarding the bill may have the decision reviewed by the board.

SECTION 31. 977.08 (5) and (6) of the statutes are created to read:

977.08 (5) Except as provided in sub. (6), the percentage of cases under sub. (2) shall be as follows:

(a) In Buffalo, Burnett, Calumet, Crawford, Florence, Green, Kewaunee, Lafayette, Langlade, Lincoln, Marinette, Marquette, Menominee, Oconto, Pepin, Pierce, Price, Rusk, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon and Washburn counties, 100% of the cases shall be handled by private counsel.

(b) In Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Waukesha and Winnebago counties, not less than 15% of the cases shall be handled by private counsel and not more than 85% of the cases shall be handled by the office of the state public defender.

(c) In Adams, Ashland, Barron, Bayfield, Chippewa, Clark, Dodge, Door, Douglas, Dunn, Eau Claire, Fond du Lac, Forest, Green Lake, Iowa, Iron, Jefferson, La Crosse, Manitowoc, Monroe, Oneida, Ozaukee, Portage, Richland, St. Croix, Sheboygan, Vilas, Walworth, Washington, Waupaca and Wood counties, not less than 25% of the cases shall be handled by private counsel and not more than 75% of the cases shall be handled by the office of the state public defender.

(d) In Columbia, Grant, Jackson, Juneau, Polk and Waushara counties, not less than 50% of the cases shall be handled by private counsel and not more than 50% of the cases shall be handled by the office of the state public defender.

(e) On or before October 1, 1980, a county covered under par. (a), by resolution of its county board and with the approval of the state public defender, may elect to be covered under par. (c). If the state public defender approves, the county is covered under par. (c) beginning January 1, 1981. No more than 47 counties may be covered under pars. (b), (c) and (d). In determining whether to approve a county board resolution under this paragraph, the state public defender shall consider the date of enactment of the resolution and the efficiency and costs associated with having state public defender representation in that county.

(f) On or before October 1, 1980, a county covered under par. (b), (c) or (d), by resolution of its county board, may elect to be covered under par. (a) as of January 1, 1981. Prior to January 1, 1981, the county shall establish a sum sufficient appropriation to cover its costs under this paragraph. If the county elects to be covered under par. (a), the method of indigency determination under s. 977.07 (1) (b) 3 shall be established by the state public defender board, and the county board's ordinance shall be in accordance with that method. The county is liable for all costs under this chapter for trial representation, including costs under sub. (6) (b), for that county incurred between January 1, 1981, and June 30, 1981, which exceed the amount specified in this paragraph:

1. Adams: \$3,000.
2. Ashland: \$26,700.
3. Barron: \$17,000.
4. Bayfield: \$8,200.
5. Brown: \$47,600.
6. Chippewa: \$18,000.
7. Clark: \$8,600.
8. Columbia: \$12,600.
9. Dane: \$247,200.
10. Dodge: \$38,600.
11. Door: \$6,700.
12. Douglas: \$53,500.
13. Dunn: \$14,600.
14. Eau Claire: \$69,200.
15. Fond du Lac: \$56,800.
16. Forest: \$3,800.
17. Grant: \$17,400.
18. Green Lake: \$5,000.
19. Iowa: \$8,200.
20. Iron: \$1,200.
21. Jackson: \$11,500.

22. Jefferson: \$37,600.
23. Juneau: \$8,000.
24. Kenosha: \$107,900.
25. La Crosse: \$60,700.
26. Manitowoc: \$33,200.
27. Marathon: \$57,600.
28. Milwaukee: \$1,022,600.
29. Monroe: \$27,200.
30. Oneida: \$16,800.
31. Outagamie: \$67,800.
32. Ozaukee: \$34,200.
33. Polk: \$17,300.
34. Portage: \$26,000.
35. Racine: \$183,400.
36. Richland: \$6,000.
37. Rock: \$124,900.
38. St. Croix: \$28,600.
39. Sheboygan: \$57,200.
40. Vilas: \$13,800.
41. Walworth: \$60,200.
42. Washington: \$36,300.
43. Waukesha: \$158,500.
44. Waupaca: \$9,000.
45. Waushara: \$7,000.
46. Winnebago: \$62,200.
47. Wood: \$31,400.

(6) (a) The percentage requirements under sub. (5) do not apply to appellate or post-conviction cases.

(b) The percentage requirements under sub. (5) need not be complied with if:

1. There are no available private counsel who are certified under sub. (3) (b) to handle the case.

2. The client is a member of a racial or ethnic group specified under 29 CFR 1607.4B in effect on the effective date of this act (1979) and the county is covered under sub. (5)

(a). In that case, the client may request that an attorney from the office of the state public defender be assigned the case, and the state public defender may do so.

SECTION 32. Appropriation changes. For the public defender board:

(1) **PROGRAM ADMINISTRATION.** (a) The appropriation under section 20.550 (1) (a) of the statutes, as affected by the laws of 1979, is increased by \$215,000 in fiscal year 1980-81 for the administration of the office of the state public defender, which includes the funding of 6.0 GPR positions.

(b) The appropriation under section 20.550 (1) (a) of the statutes, as affected by the laws of 1979, is decreased by \$125,000 in fiscal year 1979-80 and increased by \$125,000 in fiscal year 1980-81 for the development of a computerized case docketing system.

(2) **APPELLATE REPRESENTATION.** The appropriation under section 20.550 (1) (b) of the statutes, as affected by the laws of 1979, is increased by \$782,000 in fiscal year 1980-81 for appellate representation, which includes the funding of 30.0 GPR positions.

(3) **TRIAL REPRESENTATION.** The appropriation under section 20.550 (1) (c) of statutes, as affected by the laws of 1979, is increased by \$4,200,800 in fiscal year 1980-81 for trial representation, which includes the funding of 171.0 GPR positions.

(4) **PRIVATE BAR AND INVESTIGATOR REIMBURSEMENT.** The appropriation under section 20.550 (1) (d) of the statutes, as affected by the laws of 1979, is increased by \$1,290,200 in fiscal year 1980-81 for private bar reimbursement.

SECTION 33. Study of recoupment. The public defender shall conduct a study and by January 15, 1981, report to the joint finance committee on the possibility of establishing recoupment against parents for attorney fees for legal representation of their minor children.

SECTION 34. Study of public defender program. The legislative council is requested to study the state public defender program in this state, seeking information and advice from all interested parties, and report to the legislature its findings and recommendations no later than January 1, 1985.

SECTION 35. Applicability. The percentage requirements under section 977.08 (5) of the statutes, as created by this act, apply only to cases assigned after the effective date of this act. The state public defender may reassign cases assigned prior to the effective date of this act in order to provide efficient use of attorneys within the office of the state public defender.

SECTION 36. Effective dates. (1) **GENERAL EFFECTIVE DATE.** Except as provided in subsection (2), this act takes effect July 1, 1980, or on the day after its publication, whichever is later.

(2) **SPECIAL EFFECTIVE DATE.** The treatment of SECTION 32 (1) (b) of this act takes effect on the day following publication of this act.
