



## 1995 SENATE BILL 81

February 23, 1995 – Introduced by Senator MOEN, by request of Jack Buswell of Sparta. Referred to Committee on Judiciary.

1     **AN ACT** *to renumber and amend* 973.06 (1); *to amend* 977.07 (2) (a) and 977.07  
2           (2) (b); and *to create* 973.06 (1g) of the statutes; **relating to:** allowing courts  
3           to order criminal defendants to make a contribution to a youth organization.

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### *Analysis by the Legislative Reference Bureau*

Current law places limits on the costs that a court may assess against a convicted criminal defendant. One of those limits allows a court to require the defendant to make a contribution to a crime prevention organization. This bill similarly allows a court to require a defendant to make a contribution to an organization that provides civic, social, recreational or athletic activities for children.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4           **SECTION 1.** 973.06 (1) of the statutes is renumbered 973.06 (1r), and 973.06 (1r)  
5           (f), as renumbered, is amended to read:

6           973.06 (1r) (f) An amount determined by the court to make a reasonable  
7           contribution to a crime prevention organization or a youth organization, if the court  
8           determines that the person has the financial ability to make the contribution and the  
9           contribution is appropriate.

1           **SECTION 2.** 973.06 (1g) of the statutes is created to read:

2           973.06 (1g) In this section, “youth organization” means an organization that  
3 provides civic, social, recreational or athletic activities for persons who have not  
4 attained 18 years of age.

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

6           977.07 (2) (a) The representative of the state public defender or the authority  
7 for indigency determinations specified under sub. (1) making a determination of  
8 indigency shall ascertain the assets of the person which exceed the amount needed  
9 for the payment of reasonable and necessary expenses incurred, or which must be  
10 incurred to support the person and the person’s immediate family. The assets shall  
11 include disposable income, cash in hand, stocks and bonds, bank accounts and other  
12 property which can be converted to cash within a reasonable period of time and is not  
13 needed to hold a job, or to shelter, clothe and care for the person and the person’s  
14 immediate family. Assets which cannot be converted to cash within a reasonable  
15 period of time, such as a person’s home, car, household furnishings, clothing and  
16 other property which has been declared exempt from attachment or execution by law,  
17 shall be calculated to be assets equivalent in dollars to the amount of the loan which  
18 could be, in fact, raised by using these assets as collateral. Assets also include any  
19 money expended by the person to post bond to obtain release regarding the current  
20 alleged offense. If the person’s assets, less reasonable and necessary living expenses,  
21 are not sufficient to cover the anticipated cost of effective representation when the  
22 length and complexity of the anticipated proceedings are taken fully into account, the  
23 person shall be determined to be indigent in full or in part. The determination of the  
24 ability of the person to contribute to the cost of legal services shall be based upon  
25 specific written standards relating to income, assets and the anticipated cost of

1 representation. If found to be indigent in full or in part, the person shall be promptly  
2 informed of the state's right to payment or recoupment under s. 48.275 (2), 757.66  
3 or 973.06 ~~(1)~~ (1r) (e), and the possibility that the payment of attorney fees may be  
4 made a condition of probation, should the person be placed on probation.  
5 Furthermore, if found to be indigent in part, the person shall be promptly informed  
6 of the extent to which he or she will be expected to pay for counsel, and whether the  
7 payment shall be in the form of a lump sum payment or periodic payments. The  
8 person shall be informed that the payment amount may be adjusted if his or her  
9 financial circumstances change by the time of sentencing. The payment and  
10 payment schedule shall be set forth in writing. Payments for services of the state  
11 public defender or other counsel provided under this chapter made pursuant to this  
12 subsection shall be paid to the state public defender for deposit in the state treasury  
13 and credited to the appropriation under s. 20.550 (1) (ja). Under this subsection,  
14 reasonable and necessary living expenses equal the applicable payment amount  
15 under s. 49.19 (11) (a) 1. plus other specified, emergency or essential costs. The  
16 representative or authority making the determination of indigency shall consider  
17 any assets of the spouse of the person claiming to be indigent as if they were assets  
18 of the person, unless the spouse was the victim of a crime allegedly committed by the  
19 person.

20 **SECTION 4.** 977.07 (2) (b) of the statutes is amended to read:

21 977.07 **(2)** (b) Unless the court has made an adjustment under s. 973.06 ~~(1)~~ (1r)  
22 (e), upon determination at the conclusion of a case that a person's financial  
23 circumstances are changed, the state public defender may adjust the amount of  
24 payment for counsel under par. (a) in accordance with par. (a) and sub. (1) (a).

25 **SECTION 5. Initial applicability.**

