

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/08/2000**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Coomber**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Public Defender**

Extra Copies: **RTR**

**Pre Topic:**

DOA:.....Coomber -

**Topic:**

Appropriations for transcripts, discovery, and interpreters for state public defender

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 09/12/2000	jdyer 09/12/2000		_____			
/P1	mdsida 10/02/2000	jdyer 10/02/2000	martykr 09/12/2000	_____	lrb_docadmin 09/12/2000		
/1		jdyer 02/01/2001	pgreensl 10/03/2000	_____	lrb_docadmin 10/03/2000		
/2			jfrantze 02/01/2001	_____	lrb_docadmin 02/01/2001		

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/P1		1 10/2 jld	martykr 09/12/2000		lrb_docadmin 09/12/2000		

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<END>

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Received: 09/08/2000

Received By: mdsida

Wantcd: Soon

Identical to LRB:

For: Public Defender 6-6782

By/Representing: Gina Pruski

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Alt. Drafters:

Subject: Public Defender

Extra Copies: rlr

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No specific pre topic given

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1/?	mdsida	1/1 9/12 JLD	9/12 KM	LT 9/12			

FE Sent For:

\*\*\* NOTES

<END>

## Dsida, Michael

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**From:** Pruski, Gina [PruskiG@mail.opd.state.wi.us]  
**Sent:** Thursday, September 07, 2000 11:33 AM  
**To:** Dsida, Michael  
**Cc:** Christiansen, Megan  
**Subject:** Final draft statutory language for budget



Final DINs for  
LRB.doc

<<Final DINs for LRB.doc>>

Hi Mike,  
Enclosed are the final drafts I mentioned over your voice mail yesterday.  
There are four subjects:

- (1) Indigency Evaluations, Ch. 51/55 Clients
- (2) Consolidate Existing Appropriations for Transcripts, Discovery and Interpreters
- (3) Agency Mission
- (4) SPD Eligibility Standards

Note that we already gave you a draft on the Indigency Evaluations for Ch. 51/55 Clients. It's enclosed again today because additional drafting needs to be done on that subject. Specifically, s. 977.075 needs to be amended to reflect a change in the collection of attorney fees from these clients. I believe s. 977.075 (1) would need to be amended to exempt ch. 51/55 clients just as "parent subject to s. 48.275 (2)(b) or 938.275 (2)(b)" is exempted under current law. (977.075 (1) is the subsection that talks about the prepayment option. Our intent is to eliminate the prepayment option for ch. 51/55 clients and instead require them to pay after the case is completed. Most of this will be reflected in admin. rule changes, but I think s. 977.075 (1) might also need to be amended as described above.)

I think the drafting that needs to be done in the other 3 subjects is self-explanatory. I would note, though, in Agency Mission, we want to create a new duty under s. 977.05 (4). The newly created duty is numbered s. 977.05 (4)(m) in the enclosed draft. Because the new duty would be (m), the (m) under current law ("Perform all other duties necessary or incidental to the performance of any duty enumerated in this chapter.") would become (n). (I just want to make it clear that we want to keep the current s. 977.05 (4)(m), Stats.)

If any of this doesn't make sense, or if you have questions, give me a call.  
Thanks, Mike!!

Gina

6. Subject: Indigency Evaluations, Ch. 51/55 Clients – DI 5004

**Intent:** a) To eliminate the indigency evaluation for persons applying for SPD services under Chapter 51 (Mental Health Act) and Chapter 55 (Protective Service System) of the Wisconsin Statutes, effective with cases appointed on or after July 1, 2002. b) The SPD's collection program, authorized by s.977.075, provides that a client may pay a smaller amount during the first 30 days of the case, or a larger amount after that date. Clients are also given the option of completing an inability to pay form. If they are found unable to pay, the collection obligation is deferred. Currently, in commitment cases, a client can either pay \$25 within the first 30 days of the case, or \$100 after that date. Under this proposal, commitment clients would simply be charged \$50 at the end of their case. The fee would not increase at a later date. Instead of completing an indigency evaluation form, clients would have the option to complete an inability to pay form. If found unable to pay, the collection obligation would be deferred.

**Related Stat. Citations:** Modify s.977.06(1m), 977.06(2)(a) and (am), and 977.07(1)(a) and (c), and (possibly?) 977.02(2m) and (3) to exempt, in addition to children under s.48.23 or 938.23, Ch. 51 and 55 clients from providing information to the SPD relating to indigency evaluations. S.977.075 might need modification as well, to reflect the post-representation collection process described above. *Changes might also be needed in chapters 51 and 55.*

10. Subject: Consolidate Existing Appropriations for Transcripts, Discovery and Interpreters – DI 8001

**Intent:** To combine three existing numeric appropriations.

**Related Stat. Citations:** Modify s.20.550(1)(a) Program administration. The amounts in the schedule for program administration costs of the office of the state public defender, ~~including the costs of interpreters and of discovery materials and excluding the costs under pars. (e) and (fb).~~ Modify s.20.550(1)(f): Transcripts, Discovery and Interpreters. Biennially, the amounts in the schedule for the costs of interpreters and discovery materials, and for compensation of court reporters or clerks of circuit court for preliminary examination, trial and appeal transcripts and the payment of related costs under s.967.06.

**Dsida, Michael**

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**From:** Pruski, Gina [PruskiG@mail.opd.state.wi.us]  
**Sent:** Monday, September 11, 2000 3:39 PM  
**To:** Dsida, Michael  
**Subject:** FW: approp. for transcripts, discovery, and interpreters

Hi Mike,  
Answer to your question about the transcript appropriation below----the new s. 20.550(1)(f) would pay for private bar transcripts too. Let me know if other questions on this one.

-----Original Message-----  
**From:** Banoul, Arlene  
**Sent:** Monday, September 11, 2000 2:23 PM  
**To:** Pruski, Gina  
**Subject:** RE: approp. for transcripts, discovery, and interpreters

Yes! 20.550(1) f applies to both staff and private bar. We would pay for discovery for both staff and private bar from the same combined appropriation.

-----Original Message-----  
**From:** Pruski, Gina  
**Sent:** Monday, September 11, 2000 10:42 AM  
**To:** Banoul, Arlene  
**Subject:** FW: approp. for transcripts, discovery, and interpreters

Hi A.,  
Do you know the answer to this?

-----Original Message-----  
**From:** Dsida, Michael [mailto:Michael.Dsida@legis.state.wi.us]  
**Sent:** Monday, September 11, 2000 10:09 AM  
**To:** Pruski, Gina  
**Subject:** approp. for transcripts, discovery, and interpreters

Under current s. 971.23 (10), costs for photocopying discovery are paid through the appropriation under s. 20.550 (1) (a). I assume that the cross-reference in the former section should be changed to s. 20.550 (1) (f). But what if the copying costs are incurred by a private attorney? Should s. 20.550 (1) (f) cover them too, or are they charged to the appropriation under s. 20.550 (1) (d) (or some other appropriation)?

Mike Dsida  
Legislative Attorney  
608/266-9867  
michael.dsida@legis.state.wi.us





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-01811? (PI)  
MGD:.....  
jld

Budget SOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by 9/14

Don't  
gen cat.

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

*Analysis by the Legislative Reference Bureau*

✓ COURTS AND PROCEDURE

✓ PUBLIC DEFENDER

Under current law, the state public defender ✓ pays for the costs of interpreters and discovery materials out of one appropriation and for transcripts out of a separate appropriation. Under this bill, the state public defender pays for the costs of interpreters and discovery materials out of the latter appropriation.

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

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

3 20.550 (1) (a) *Program administration.* The amounts in the schedule for  
4 program administration costs of the office of the state public defender, including the  
5 ~~costs of interpreters and of discovery materials and~~ ✓ excluding the costs under pars.  
6 (e) and (fb).

History: 1977 c. 29, 418; 1979 c. 34, 356; 1981 c. 20; 1983 a. 27; ✓ 1987 a. 27; 1989 a. 31, 336; 1991 a. 39; 1993 a. 16, 437, 451; 1995 a. 27; 1999 a. 9.

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

① 20.550 (1) (f) ~~Transcript and record payments~~ Transcripts, discovery, and  
② interpreters. The Biennially, the amounts in the schedule for the costs of interpreters  
3 and discovery materials and for the compensation of court reporters or clerks of  
④ circuit court for preliminary examination, trial and appeal transcripts <sup>2</sup> and the  
5 payment of related costs under s. 967.06.

History: 1977 c. 29, 418; 1979 c. 34, 356; 1981 c. 20; 1983 a. 27; 1987 a. 27; 1989 a. 31, 336; 1991 a. 39; 1993 a. 16, 437, 451; 1995 a. 27; 1999 a. 9.

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

6 SECTION 3. 971.23 (10) of the statutes is amended to read:

7 971.23 (10) PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT  
8 DEFENDANTS. When the state public defender or a private attorney appointed under  
9 s. 977.08 requests photocopies of any item that is discoverable under this section, the  
10 state public defender shall pay any fee charged for the photocopies from the  
11 appropriation under s. 20.550 (1) (a) (f). If the person providing photocopies under  
12 this section charges the state public defender a fee for the photocopies, the fee may  
13 not exceed the actual, necessary and direct cost of photocopying.

History: 1973 c. 196; 1975 c. 378, 421; 1989 a. 121; 1991 a. 223; 1993 a. 16, 486; 1995 a. 27, 387.

14 (END)



*Don*

①

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*Retrieved from hold*

*Don't see*

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SOON

3

DOA:.....Coomber - Appropriations for transcripts, discovery, and interpreters for state public defender

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Retrieve from hold  
soon

Don't gen

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DOA:.....Coomber - Appropriations for transcripts, discovery, and interpreters for state public defender

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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15

(END)