

**2003 DRAFTING REQUEST**

**Assembly Amendment (AA-SB44)**

Received: 06/18/2003

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: James Kreuser (608) 266-5504

By/Representing: John Grabel

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Public Defender

Extra Copies: MGD

Submit via email: YES

Requester's email: Rep.Kreuser@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Public defender eligibility

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**Instructions:**

Tie eligiblity for public defender representation to W-2, 115% of federal poverty line

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**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> |
|--------------|---------------------|-----------------------|-----------------------|----------------|------------------|-----------------|-----------------|
| /?           | rryan<br>06/18/2003 | kgilfoy<br>06/18/2003 |                       | _____          |                  |                 |                 |
| /P1          |                     |                       | chaugen<br>06/18/2003 | _____          |                  |                 |                 |
| /1           | rryan               | kgilfoy               | rschluet              | _____          | amentkow         | amentkow        |                 |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u>     | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|------------------|----------------|------------------|-----------------|-----------------|
|              | 06/19/2003     | 06/19/2003      | 06/19/2003 _____ |                | 06/19/2003       | 06/19/2003      |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
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/? rryan

*1/18-6/18  
KMG*

*OK  
6-18  
OK  
6-18*

FE Sent For:

*11-6/19  
KMG*

*[Signature]*  
**<END>**  
*6-18*

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## Nonsubmittal Form

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**LPSes: DO NOT FORWARD THIS DRAFT FOR SUBMITTAL, UNLESS INSTRUCTED TO DO SO BY THE DRAFTING ATTORNEY.**

**|1| Return everything to the primary drafting attorney.**

After you have completed typing this draft, return the camera-ready copy to the primary drafting attorney, along with the drafting file. Also, forward the electronic file to the primary drafting attorney for the task of drafting.

**or**

**|2| Return only the camera-ready copy to the primary drafting attorney.**

After you have completed typing this draft, clip this form to the camera-ready copy and return these materials to the primary drafting attorney. Place the drafting file in the HOLD basket in the LPS room. Forward the electronic file to Typing — lrb\_lps, so that the electronic file can be viewed by all LPSes.

When the attorney finishes reviewing the draft, the attorney will bring the camera-ready copy back to the LPS room. If the attorney has found any typos or minor corrections, correct the draft as indicated and print out a new camera-ready copy. Take the final camera-ready copy, retrieve the drafting file from the HOLD basket in the LPS room, discard this form, place the camera-ready copy and the drafting file in the PA submit basket, and forward the electronic file to the PAs for submitting. (If, after reviewing the draft, the attorney decides to redraft it, give the attorney the drafting file and forward the electronic file to the attorney for drafting.)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb07202  
RR: King

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO 2003 SENATE BILL 44

*as shown by  
separate substitute  
amendment,*

1 At the locations indicated, amend the bill as follows:

2 1. Page 1009, line 16: after that line insert:

3 "SECTION 2778r. 977.07 (2) of the statutes is repealed and recreated to read:

4 977.07 (2) → INS 1-4

5 2. Page 1138, line 2: after that line insert:

6 <sup>W</sup>(1) ELIGIBILITY FOR PUBLIC DEFENDER REPRESENTATION. The treatment of section  
7 977.07 (2)<sup>v</sup> of the statutes first applies to cases opened on the effective date of this  
8 subsection."

9 (END)

*specified under sub. (1)*

**BILL**

1 unless a request for redetermination has been filed under s. 809.30 (2) (d) or the  
2 defendant's request for representation states that his or her financial circumstances  
3 have materially improved, rely upon a determination of indigency made for purposes  
4 of trial representation under this section.

5 **SECTION 42.** ~~977.07 (2)~~ of the statutes is repealed.

6 **SECTION 43.** 977.07 (2g) of the statutes is created to read:

7 ~~977.07 (2g)~~ <sup>not</sup> The representative of the state public defender or the authority for  
8 indigency determinations shall determine that an individual is indigent if the  
9 individual satisfies the financial eligibility requirements for a Wisconsin works  
10 group under s. 49.145 (3), except that in determining the value of the individual's  
11 assets under s. 49.145 (3) (a), the representative of the state public defender or the  
12 authority shall exclude only up to \$30,000 of the equity value of a home that serves  
13 as the individual's homestead. The state public defender shall consider any assets  
14 or income of the spouse of the person claiming to be indigent as if they were assets  
15 of the person, unless the spouse was the victim of a crime allegedly committed by the  
16 person. "

17 ~~**SECTION 44.** 977.075 (6) of the statutes is created to read:~~

18 ~~977.075 (6) If the state public defender appoints counsel for a person who is~~  
19 ~~entitled under s. 51.60 (1), 55.06 (11) (a), or 880.33 (2) (a) 2. to appointment of counsel~~  
20 ~~without a determination of indigency, the state public defender shall charge the~~  
21 ~~person \$60 for the legal representation at the close of the legal proceedings for which~~  
22 ~~counsel was appointed.~~

23 **SECTION 45.** 977.077 of the statutes is renumbered 977.077 (1) and amended  
24 to read:

*or the authority making the determination of indigency*

*INS 14*



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0720/P1  
RLR:kmg:eh

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT,  
TO 2003 SENATE BILL 44

RMR

D-Note

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 1, as follows:

3 ✓ 1. Page 1009, line 16: after that line insert:

4 "SECTION 2778r. 977.07 (2) of the statutes is repealed and recreated to read:

5 977.07 (2) The representative of the state public defender or the authority for  
6 indigency determinations specified under sub. (1) shall determine that an individual  
7 is indigent if the individual satisfies the financial eligibility requirements for a  
8 Wisconsin works group under s. 49.145 (3). The state public defender or the  
9 authority making the determination of indigency shall consider any assets or income  
10 of the spouse of the person claiming to be indigent as if they were assets of the person,  
11 unless the spouse was the victim of a crime allegedly committed by the person."

12 ✓ 2. Page 1138, line 2: after that line insert:





**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0720/1dn

RLR:j.i....

A handwritten signature in black ink, appearing to be 'King', written over the typed name 'RLR:j.i....'.

This amendment links eligiblity for a public defender to the financial eligilbity criteria for W-2 (115%<sup>8</sup> of the federal poverty line). The amendment does not change the funding for the State Public Defender Board.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0720/1dn  
RLR:kmg:rs

June 19, 2003

This amendment links eligibility for a public defender to the financial eligibility criteria for W-2 (115% of the federal poverty line). The amendment does not change the funding for the State Public Defender Board.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us