

ASSEMBLY BILL 624 (LRB -2838)

An Act to repeal 977.075 (1) (b), 977.075 (4) and 977.075 (5); to consolidate, renumber and amend 977.075 (1) (intro.) and (a); and to amend 977.075 (3) of the statutes; relating to: payments to the State Public Defender for legal representation. (FE)

2005

12-06.	A.	Introduced by Representatives Albers, Lothian, Musser, Bies, Vos, McCormick and Hahn; cosponsored by Senator Reynolds.	
08-24.	A.	Read first time and referred to committee on Judiciary	441
08-24.	A.	Fiscal estimate received.	
10-06.	A.	Public hearing held.	
10-25.	A.	Executive action taken.	
10-27.	A.	Report passage recommended by committee on Judiciary, Ayes 8, Noes 0	546
10-27.	A.	Referred to committee on Rules	546
12-06.	A.	Placed on calendar 12-13-2005 by committee on Rules.	
12-06.	A.	Made a special order of business at 9:07 A.M. on 12-13-2005 pursuant to Assembly Resolution 43	653
12-13.	A.	Read a second time	668
12-13.	A.	Ordered to a third reading	668
12-13.	A.	Rules suspended	668
12-13.	A.	Read a third time and passed , Ayes 95, Noes 2	668
12-13.	A.	Ordered immediately messaged	669
12-15.	S.	Received from Assembly	500
12-15.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	500

2006

01-11.	S.	Public hearing held.	
01-18.	S.	Executive action taken.	
01-24.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0	549
01-24.	S.	Available for scheduling.	
03-01.	S.	Placed on calendar 3-2-2006 by committee on Senate Organization.	
03-02.	S.	Senator Wirch added as a cosponsor.	
03-02.	S.	Read a second time.	
03-02.	S.	Ordered to a third reading.	
03-02.	S.	Rules suspended.	
03-02.	S.	Read a third time and concurred in , Ayes 32, Noes 0.	
03-02.	S.	Ordered immediately messaged.	

9MB

2005 ENROLLED BILL

05en AB-624

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 -2838/2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3/6/06
Date

JR Miller
Enrolling Drafter

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2005 ASSEMBLY BILL 624

August 24, 2005 - Introduced by Representatives ALBERS, LOTHIAN, MUSSER, BIES, VOS, McCORMICK and HAHN, cosponsored by Senator REYNOLDS. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 977.075 (1) (b), 977.075 (4) and 977.075 (5); **to consolidate,**
2 **renumber and amend** 977.075 (1) (intro.) and (a); and **to amend** 977.075 (3)
3 of the statutes; **relating to:** payments to the State Public Defender for legal
4 representation.

Analysis by the Legislative Reference Bureau

Under current law, the State Public Defender (SPD) provides legal representation to persons who are indigent for certain types of legal proceedings including criminal, commitment, protective placement, and paternity proceedings. A client must pay for the representation if he or she is able to make a financial contribution. The SPD is required to establish client payment rates based on the type of case. The SPD is also required to establish for each type of case a discount fee that a client may pay at the beginning of the representation. If the client pays the discount fee at the beginning of representation, he or she may not be required to pay any additional amount for the representation. Current law also authorizes the SPD to collect a partial payment from a client within the first 60 days of representation.

This bill provides that the SPD shall establish by rule the time period in which an indigent client may pay the discount fee for representation. The bill also eliminates the authorization for the SPD to collect a partial payment from a client within the first 60 days of representation.

ASSEMBLY BILL 624

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

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

1 **SECTION 1.** 977.075 (1) (intro.) and (a) of the statutes are consolidated,
2 renumbered 977.075 (3m) and amended to read:

3 977.075 (3m) The board shall establish by rule ~~fixed amounts as flat payments~~
4 ~~for the cost of representation~~ a fee schedule that sets the discount amount that a
5 person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b), who is
6 responsible for payment for legal representation, may elect to pay. ~~The rule shall~~
7 ~~require all of the following:~~ (a) during a time period established by rule instead of
8 paying the applicable fee under sub. (3). The fee schedule shall establish a discount
9 fee for each type of case included in the schedule under sub. (3). If a person elects
10 to pay ~~pays~~ the applicable ~~fixed amount~~ discount fee within the time period
11 established under this section, the person ~~cannot~~ may not be held liable for any
12 additional payment for counsel.

13 **SECTION 2.** 977.075 (1) (b) of the statutes is repealed.

14 **SECTION 3.** 977.075 (3) of the statutes is amended to read:

15 977.075 (3) The board shall establish by rule a fee schedule that sets the
16 amount that a person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2)
17 (b), who is responsible for payment for legal representation shall pay for the cost of
18 the legal representation if the person does not pay the applicable discount fee under
19 sub. (3m). The schedule shall establish a fee for a given type of case, and the fee for
20 a given type of case shall be based on the average cost, as determined by the board,
21 for representation for that type of case.

