

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.

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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.

