

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **17-3612/1** Introduction Number **SB-283**

Description
 increasing the rate paid to private attorneys for representing indigent clients

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
- Increase Existing Appropriations
- Decrease Existing Appropriations
- Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
 - Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
5. Types of Local Government Units Affected
- Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR
 FED
 PRO
 PRS
 SEG
 SEGS
 20.550(1)(d)

Agency/Prepared By	Authorized Signature	Date
SPD/ Martina Allen (608) 267-7734	Adam Plotkin (608) 264-8572	6/23/2017

Fiscal Estimate Narratives

SPD 6/23/2017

LRB Number	17-3612/1	Introduction Number	SB-283	Estimate Type	Original
Description increasing the rate paid to private attorneys for representing indigent clients					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Under current law, the SPD provides legal representation for indigent persons in criminal, delinquency, and certain related cases. The SPD assigns cases either to staff attorneys or, in conflict of interest or overflow cases, to certified private attorneys. Currently, a private attorney who is assigned a case by the SPD is paid \$40 per hour for time spent related to the case and \$25 per hour for time spent in travel in certain situations. This bill increases to \$100 per hour the amount a private attorney is paid for time spent related to the case.

In FY16, the SPD was appropriated \$22.8 million for private bar representation at a \$40 per hour rate for time spent related to representation, of which all monies appropriated are fully expended within the biennium. Under this bill, if the private bar rate was increased to \$100 per hour the SPD would have been appropriated \$57.0 million, which is a net increase of \$34.2 million.

Long-Range Fiscal Implications