

## ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original     Updated     Corrected

Administrative Rule Chapter, Title and Number

Administrative Rule Chapter PD 3, Indigency Criteria, § 3.02  
Administrative Rule Chapter PD 6, Payment for State Public Defender Representation, §§ 6.01 and 6.02

Subject

Creation of Felony Diversion case category

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR    FED    PRO    PRS    SEG    SEG-S

None

Fiscal Effect of Implementing the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

State's Economy

Specific Businesses/Sectors

Local Government Units

Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes     No

Policy Problem Addressed by the Rule

The anticipated cost of counsel reflects the likely cost for a prospective client to hire a private attorney. The SPD includes this amount in its determination of an applicant's financial eligibility for SPD services. The required payment for legal representation reflects the average attorney costs for the SPD in the respective case categories. A new felony diversion case category will more accurately reflect the amount of time attorneys spend when representing clients in felony diversion cases.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule has no economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole. There are no implementation or compliance costs.

Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

A new felony diversion case category will more accurately reflect the amount of time attorneys spend when representing clients in felony diversion cases. The rule will require individuals who are represented in felony diversion cases to pay \$240 toward the cost of their representation, which is lower than for other felony cases. This increased cost reflects the significant time attorneys invest in felony diversion cases. Clients also have the option to pay a lower discount amount of \$60 as provided in PD § 6.02(1).

Long Range Implications of Implementing the Rule

There are no long range implications of implementing the rule.

Compare With Approaches Being Used by Federal Government

The case categories used by the office of the state public defender are unique to the SPD and have no federal equivalent.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Neither Illinois nor Michigan has a statewide public defender system. In Iowa, courts order defendants to repay the costs for a public defender to the extent they are able. In Minnesota, courts may require a defendant to reimburse the state for legal fees.

Name and Phone Number of Contact Person

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