



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-0622/P2

CMH:cdc

DOA:.....Richter, BB0013 - Compensation for special prosecutor to mirror updated rate for private local attorneys

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DISTRICT ATTORNEYS

Compensation for special prosecutors

Under current law, the SPD provides legal representation for indigent persons in criminal and delinquency cases. The SPD assigns cases either to staff attorneys or to local private attorneys. A private attorney assigned to a case by the SPD is paid an hourly amount that varies depending on the year in which the case was assigned. For instance, a private attorney assigned a case between December 1, 1992, and July 29, 1995, was generally paid \$50 per hour for time spent related to the case and \$25 per hour for time spent in related travel. The amount has increased periodically; a private attorney assigned a case after July 1, 2023, is generally paid \$100 per hour for time spent related to the case and \$50 per hour for time spent in related travel.

Current law provides the same compensation to other attorneys as the compensation paid to a private attorney assigned to case by the SPD. For example, if a judge appoints a special prosecutor to perform the duties of a district attorney, the special prosecutor compensation is the amount paid to a private attorney for a case assigned between December 1, 1992, and July 29, 1995. This bill changes the compensation for the special prosecutor to be the amount paid to a private attorney assigned a case on the date the approval was made.

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

SECTION 1. 978.045 (2) of the statutes is amended to read:

978.045 (2) If the department of administration approves the appointment of a special prosecutor under sub. (1r), the court shall fix the amount of compensation for the attorney appointed according to the rates specified in s. 977.08 (4m) ~~(b)~~ for

BILL**SECTION 1**

the date on which the approval was made. The department of administration shall pay the compensation ordered by the court from the appropriation under s. 20.475 (1) (d). The court, district attorney, and the special prosecutor shall provide any information regarding a payment of compensation that the department requests. Any payment under this subsection earns interest on the balance due from the 121st day after receipt of a properly completed invoice or receipt and acceptance of the property or service under the order or contract, whichever is later, at the rate specified in s. 71.82 (1) (a) compounded monthly.

SECTION 9310. Initial applicability; District Attorneys.

(1) COMPENSATION FOR SPECIAL PROSECUTORS. The treatment of s. 978.045 (2) first applies to appointments approved on the effective date of this subsection.

(END)