

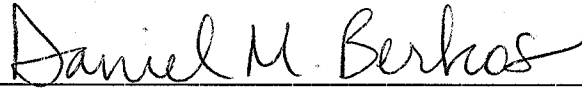
STATE OF WISCONSIN

OFFICE OF THE STATE PUBLIC DEFENDER

I, Daniel M. Berkos, Chair of the State Public Defender Board and custodian of the official records, certify that the annexed rules related to the the cost of counsel and partial indigency were duly approved and adopted by this board on October 20, 1995.

I certify that this copy has been compared by me with the original on file in this Office and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 1st day of March 1996.



DANIEL M. BERKOS, Chair
State Public Defender Board

5-1-96

Filed 3/4/96
8:15am

**PROPOSED ORDER OF THE STATE PUBLIC DEFENDER
CREATING A RULE**

The Wisconsin state public defender board proposes an order to amend PD 3.02 (1), relating to cost of counsel, and PD 3.04 (1), relating to partial indigency.

Analysis

The proposed rules are necessary for collections procedures from partially indigent clients and for consistency among PD administrative rules. The proposed rules will aid in implementation of the statutory mandates related to collections and indigency verification contained in the biennial budget act.

Specifically, proposed s. PD 3.02 (1) amends the cost of a first degree intentional homicide in the cost of counsel table, consistent with the collections schedule in s. PD 6.01. The proposed amendment to s. PD 3.04 (1) will simplify the calculations of amounts owed for repayment of legal costs from partially indigent parents of juveniles.

Statutory authority: ss. 977.02 (2m), (3) and (4), Stats.

Statutes interpreted: ss. 977.06 (1)(d), 977.07 (1) and (2), Stats.

Section 1.

PD 3.02 (1) is amended to read:

3.02 (1) The "anticipated cost of retaining counsel," shall be determined by this schedule, except as provided by sub.(2):

	Milwaukee County	Other Counties
1st degree intentional homicide	\$6600 <u>\$7500</u>	\$5650 <u>\$7500</u>
Other armed Class A & Class B felony	3400	2800
Other felony	1900	1450
Traffic misdemeanor	400	300
Other misdemeanor	500	400
Juvenile	500	400
Civil Contempt	565	450
Paternity	800	700
Appeals	2000	1500
<u>Involuntary termination of parental rights</u>	<u>3400</u>	<u>2800</u>

Section 2.

PD 3.04 (1) is amended to read:

PD 3.04 Partial indigency. (1) If the person has insufficient assets to retain counsel, the state public defender shall provide counsel under s. 977.08, Stats., and the court or the state public defender may require the person to make payments to the state in partial payment of legal fees. The partial reimbursement required shall be equivalent to 20% of the applicable cost of retaining counsel in the case, as set forth in s. PD 3.02 (1), ~~except the amount shall not exceed the person's available assets in excess of \$100.00.~~

This rule shall take effect on the first day of the month commencing after the date of publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated: 2/29/96

Wisconsin State Public Defender Board

By: Daniel M. Berkos
DANIEL M. BERKOS, Chair



**WISCONSIN
PUBLIC
DEFENDER**

Nicholas L. Chiarkas
STATE PUBLIC DEFENDER

Frederick H. Miller
DEPUTY STATE PUBLIC DEFENDER

Sally Mayne Pederson
LEGAL COUNSEL

DIVISION DIRECTORS:

Arlene F. Banoul
ADMINISTRATIVE

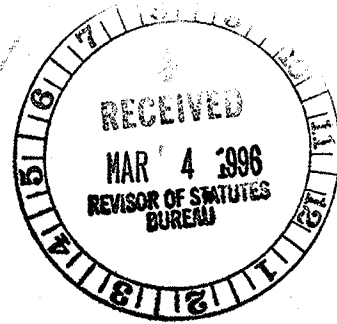
Virginia A. Pomeroy
APPELLATE

Marcus T. Johnson
ASSIGNED COUNSEL

Michael Tobin
TRIAL

March 1, 1996

Gary Poulson
Revisor of Statutes Bureau
131 West Wilson Street, Suite 800
Madison, WI 53703-3233



Dear Gary:

Enclosed please find certified copies of administrative rules which the State Public Defender Board has promulgated.

Please note that only a certified copy of rules PD 6.015, 6.025, 6.06, 6.07, and 6.08 is enclosed. The proof of these rules has already been returned to you.

Uncertified copies of rules PD 3.02 (1), 3.04 (1), 1.04 (7) and 1.04 (5) are enclosed for printing purposes.

Thank you.

Sincerely,

Gina Pruski
Deputy Legal Counsel

Enclosures