



2009 ASSEMBLY BILL 224

April 23, 2009 – Introduced by Representatives KESSLER, A. WILLIAMS, COLON, MASON, RICHARDS, SINICKI and HEBL. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 977.08 (4m) (c); and *to create* 977.08 (4m) (d) of the statutes;
2 **relating to:** the reimbursement rate for private attorneys appointed by the
3 State Public Defender.

Analysis by the Legislative Reference Bureau

Under current law, the State Public Defender (SPD) provides indigent people legal representation for certain types of proceedings including criminal, paternity, and juvenile delinquency proceedings. The SPD also provides legal representation to children for certain proceedings, and to adults for certain civil commitment and protective services proceedings, regardless of the child's or adult's economic means. The SPD may assign cases to attorneys employed by the SPD or to private attorneys. The SPD reimburses private attorneys \$40 an hour for time spent related to a case, excluding travel time. (The SPD reimburses private attorneys \$25 an hour for out-of-county travel or travel over 30 miles from the attorney's office.) This bill increases the SPD reimbursement rate for private attorneys from \$40 to \$70 an hour.

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:

4 **SECTION 1.** 977.08 (4m) (c) of the statutes is amended to read:

ASSEMBLY BILL 224**SECTION 1**

1 977.08 (**4m**) (c) Unless otherwise provided by a rule promulgated under s.
2 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
3 July 29, 1995, and before the effective date of this paragraph [LRB inserts date],
4 private local attorneys shall be paid \$40 per hour for time spent related to a case,
5 excluding travel, and \$25 per hour for time spent in travel related to a case if any
6 portion of the trip is outside the county in which the attorney's principal office is
7 located or if the trip requires traveling a distance of more than 30 miles, one way,
8 from the attorney's principal office.

9 **SECTION 2.** 977.08 (4m) (d) of the statutes is created to read:

10 977.08 (**4m**) (d) Unless otherwise provided by a rule promulgated under s.
11 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
12 the effective date of this paragraph [LRB inserts date], private local attorneys
13 shall be paid \$70 per hour for time spent related to a case, excluding travel, and \$25
14 per hour for time spent in travel related to a case if any portion of the trip is outside
15 the county in which the attorney's principal office is located or if the trip requires
16 traveling a distance of more than 30 miles, one way, from the attorney's principal
17 office.

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(END)