



2017 BILL

1 **AN ACT to amend** 885.10, 977.05 (4) (g), 977.06 (1) (d) and 977.07 (2m) of the
2 statutes; **relating to:** description of defendant indigency for public defender
3 fees (suggested as remedial legislation by the State Public Defender).

Analysis by the Legislative Reference Bureau

This bill amends the the statutes that describe the procedure for collecting attorney's fees for defendants who have been determined to be indigent. It removes the words "in part" from the description of indigency because defendants can be found to be only indigent or not indigent, they cannot be found to be indigent "in part."

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the State Public Defender and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

4 **SECTION 1.** 885.10 of the statutes is amended to read:

BILL**SECTION 1**

1 **885.10 Witness for indigent respondent or defendant.** Upon satisfactory
2 proof of the financial inability of the respondent or defendant to procure the
3 attendance of witnesses for his or her defense, the judge or supplemental court
4 commissioner, in any paternity proceeding or criminal action or proceeding, or in any
5 other case in which the respondent or defendant is represented by the state public
6 defender or by assigned counsel under s. 977.08, to be tried or heard before him or
7 her, may direct the witnesses to be subpoenaed as he or she determines is proper and
8 necessary, upon the respondent's or defendant's oath or affidavit or that of the
9 respondent's or defendant's attorney. Witnesses so subpoenaed shall be paid their
10 fees in the manner that witnesses for the state therein are paid. Determination of
11 indigency, ~~in full or in part~~, under s. 977.07 is proof of the respondent's or defendant's
12 financial inability to procure the attendance of witnesses for his or her defense.

NOTE: SECTIONS 1 to 4 delete references to a determination that a person is indigent
"in part," as a person can only be found indigent or not indigent.

13 **SECTION 2.** 977.05 (4) (g) of the statutes is amended to read:

14 977.05 (4) (g) In accordance with the standards under pars. (h) and (j), accept
15 referrals from judges, courts or appropriate state agencies for the determination of
16 indigency of persons who claim or appear to be indigent. If a referral is accepted and
17 if the person is determined to be indigent ~~in full or in part~~, the state public defender
18 shall appoint counsel in accordance with contracts and policies of the board, and
19 inform the referring judge, court or agency of the name and address of the specific
20 attorney who has been assigned to the case.

21 **SECTION 3.** 977.06 (1) (d) of the statutes is amended to read:

