

**Proposed Order of the State Public Defender Board
Amending a Rule**

The Wisconsin State Public Defender Board proposes an order to amend PD 6.02 (1) relating to the repayment of cost of legal representation

Analysis

Sec. 977.075 requires that the state public defender board establish by rule a program for repayment of the cost of legal representation. Sec. 977.075 (1) requires that the state public defender board establish by rule fixed amounts as flat payments for the cost of representation that a person may elect to pay. PD 6.02 (1) is the original rule that was promulgated as required by sec. 977.075 (1). The rule provides a flat payment schedule for persons electing to pay within 30 days of the appointment of counsel.

The state public defender board authorized a pilot project beginning in April 1998 in the 14 counties listed below. This project provided 60 days, instead of 30, to pay the lower prepayment amount as satisfaction of the payment obligation.

Adams	Forest	Langlade	Oneida	Price	Waupaca
Vilas	Florence	Kenosha	Marathon	Portage	Taylor
Wood	Lincoln				

The board authorized the expansion of the project to include Milwaukee in January 2000. Based on 24 months of data, the number of prepayments increased about 2.6% annually in Milwaukee. The 14 counties in the project outside of Milwaukee experienced a 3.3% increase in prepayments.

The proposed rule would amend PD 6.02 (1) to provide a 60-day flat payment option for all counties. It is anticipated that such a rule would result in similar increases in payments in the additional counties.

It is anticipated that expanding the 60 day prepayment option statewide will increase revenues annually approximately \$110,000.

Statutory authority for rule: sec. 977.02(4m) Stats.

Statutes interpreted: sec. 977.075 (1) Stats.

PD 6.02 (1) is amended to read:

PD 6.02 Prepayment option

(1) A client may elect to prepay, within ~~30~~ 60 days of appointment of counsel by the state public defender, the optional prepayment amount for the cost of representation specified in the following prepayment fee schedule:

Type of Case	Amount	Type of Case	Amount
First Degree Intentional Homicide	\$500	Misdemeanor Parole/Probation	\$50
Other Class A or B Felony	\$100	Revocation	\$50
Sexual Predator (s.980.02)	\$100	TPR	\$50
Other Felony	\$50	Special Proceeding	\$25
Commitment	\$25	Paternity	\$50
Chapter 55	\$50	Appellate/Plea Appellate/Trial	\$50 \$100

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

Dated: 4/19/02

Wisconsin State Public Defender Board

By: _____
Daniel M Berkos, Chair
State Public Defender Board