

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2093/2		Introduction Number AB-0224													
Description															
The reimbursement rate for private attorneys appointed by the State Public Defender															
Fiscal Effect															
State:															
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; padding: 5px;"><input type="checkbox"/> Increase Existing Appropriations</td> <td style="width: 33%; padding: 5px;"><input type="checkbox"/> Increase Existing Revenues</td> <td style="width: 33%; padding: 5px;"><input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Decrease Existing Appropriations</td> <td style="padding: 5px;"><input type="checkbox"/> Decrease Existing Revenues</td> <td style="padding: 5px; text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td style="padding: 5px;"><input type="checkbox"/> Create New Appropriations</td> <td></td> <td style="padding: 5px;"><input type="checkbox"/> Decrease Costs</td> </tr> </table>				<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs			
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Agency/Prepared By		Authorized Signature	Date												
SPD/ Mike Tobin (608) 266-8259		Krista Ginger (608) 264-8572	4/30/2009												

Fiscal Estimate Narratives

SPD 4/30/2009

LRB Number	09-2093/2	Introduction Number	AB-0224	Estimate Type	Original
Description The reimbursement rate for private attorneys appointed by the State Public Defender					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

Although this bill does not create a new criminal offense, it would increase the hourly rate paid to private attorneys who accept appointments from the SPD. The rate would increase from \$40 to \$70 per hour, except travel time. This increase results in an increased cost to SPD of \$30 for each hour that a private attorney works on a SPD-appointed case. SPD estimates, on the basis of recent caseload data, that the annual cost of this increase would be \$19,149,300. The cost in the first year would be significantly less, however, as the SPD pays private bar attorneys after the case has concluded; thus payments would not be made at the higher rate until approximately six months after the bill's effective date.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, since the proposed change in the hourly rate of compensation would apply only to SPD appointments, this change would not affect the amount that counties pay for court appointments.

Long-Range Fiscal Implications