

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

| | |
|--|---|
| LRB Number 17-3612/1 | Introduction Number SB-283 |
| Description increasing the rate paid to private attorneys for representing indigent clients | |
| Fiscal Effect | |
| State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> | |
| Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </div> </div> | |
| Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS | |
| Agency/Prepared By DA/ Amanda Mott (608) 261-8404 | Authorized Signature James Langdon (608) 264-6109 |
| Date 6/14/2017 | |

Fiscal Estimate Narratives

DA 6/14/2017

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|---|-----------|---------------------|--------|---------------|----------|
| LRB Number | 17-3612/1 | Introduction Number | SB-283 | Estimate Type | Original |
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Assumptions Used in Arriving at Fiscal Estimate

Under current law, the state public defender provides legal representation for indigent persons in criminal, delinquency, and certain related cases. The SPD assigns cases either to staff attorneys or to local private attorneys. Generally, a private attorney who is assigned a case by the SPD is paid \$40 per hour for time spent related to the case. This bill increases the amount a private attorney is paid for time spent related to the case to \$100 per hour.

Prosecutors expressed varying views on the legislation. One prosecutor stated that passage of this bill would represent significant cost savings as higher quality representation would reduce post-conviction motions and appeals that result from ineffective assistance of defense counsel. Another took the view that defense counsel should provide effective assistance regardless of pay rate and therefore the bill would have no fiscal impact on District Attorney Offices. Yet another District Attorney stated that a large number of ADAs would leave to go to private practice to work as defense counsel to receive increased pay; therefore, District Attorney offices may have trouble retaining attorneys.

Long-Range Fiscal Implications

The long-range fiscal implications of this legislation on district attorney offices is indeterminate.