

## PUBLIC DEFENDER BOARD

### GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY25 Adjusted Base	FY26 Recommended	% Change Over FY25	FY27 Recommended	% Change Over FY26
GPR	132,777,800	138,999,100	4.7	141,780,600	2.0
PR-F	1,600	0	-100.0	0	0.0
PR-S	250,800	263,000	4.9	263,500	0.2
PR-O	1,247,900	1,247,400	0.0	1,247,600	0.0
TOTAL	134,278,100	140,509,500	4.6	143,291,700	2.0

### FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY25 Adjusted Base	FY26 Recommended	FTE Change Over FY25	FY27 Recommended	FTE Change Over FY26
GPR	614.85	667.35	52.50	667.35	0.00
PR-S	2.00	2.00	0.00	2.00	0.00
PR-O	3.00	3.00	0.00	3.00	0.00
TOTAL	619.85	672.35	52.50	672.35	0.00

### AGENCY DESCRIPTION

The board oversees the Office of the State Public Defender, which provides legal representation for indigent persons who are accused of crimes or are defendants in certain civil matters. Pursuant to Wisconsin Statutes and administrative rules, the office determines financial eligibility based on an analysis of each applicant's income, assets, family size and essential expenses, unless the applicant is a juvenile or is seeking representation for cases involving mental health, commitment of sexually violent persons or protective placement proceedings.

The board consists of nine members appointed to three-year terms by the Governor with the advice and consent of the Senate. At least five of the nine must be members of the State Bar of Wisconsin. The board appoints a state public defender to oversee the agency.

The office was created by statute in 1965, became an independent agency in 1977, and gradually began to represent indigent clients at the trial level with both in-house and private bar attorneys. The office consists of the Trial, Appellate, Administrative and Assigned Counsel divisions and the Office of Training and Development.

**Public Defender Board**

**MISSION**

The mission of the agency is to zealously represent clients, protect constitutional rights and advocate for an effective and fair criminal justice system. Our commitment is to treat our clients with dignity and compassion.

**PROGRAMS, GOALS, OBJECTIVES ACTIVITIES**

**Program 1: Legal Assistance**

Goal: Continuously improve services to clients.

Objective/Activity: Fair treatment and representation of clients.

Goal: Strengthen public value to clients, the community, other government agencies, other states and nations, and partners.

Objective/Activity: Reduce crime by reaching and educating young people before they offend.

Goal: Continuously improve administrative management.

Objective/Activity: Maximize resources to serve eligible clients.

**PERFORMANCE MEASURES**

**2023 AND 2024 GOALS AND ACTUALS**

<b>Prog. No.</b>	<b>Performance Measure</b>	<b>Goal 2023</b>	<b>Actual 2023</b>	<b>Goal 2024</b>	<b>Actual 2024</b>
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2.6%	2%	1.6%
1.	Number of educational contacts with children and youth.	2,000	Not available <sup>1</sup>	2,000	Not available <sup>1</sup>
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	700	752	700	801
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,086	1,400	1,124

Note: Based on fiscal year.

<sup>1</sup>The ability to conduct and track educational outreach was permanently disrupted as a result of the COVID-19 pandemic.

**Public Defender Board**

**2025, 2026 AND 2027 GOALS**

<b>Prog. No.</b>	<b>Performance Measure<sup>1</sup></b>	<b>Goal 2025</b>	<b>Goal 2026</b>	<b>Goal 2027</b>
1.	Court grants attorney withdrawals at client request as a percentage of total trial cases.	2%	2%	2%
1.	Number of qualified attorneys certified to take cases who accept at least 12 cases per year.	700	750	775
1.	Number of cases with greatest risk of penalties handled by staff attorneys.	1,400	1,400	1,400

Note: Based on fiscal year.

<sup>1</sup>One performance measure has been removed for the upcoming biennium.

**PUBLIC DEFENDER BOARD**

**GOVERNOR'S BUDGET RECOMMENDATIONS**

**RECOMMENDATIONS**

1. Workload Staffing
2. Assistant State Public Defender Merit Compensation
3. Expert Witness Services Cost-to-Continue
4. Transcripts, Interpreters and Discovery Cost-to-Continue
5. Private Bar Cost-to-Continue
6. Private Bar Serious Case Rate
7. Charging and Sentencing Alternatives
8. Pilot CHIPS Extension
9. Standard Budget Adjustments

**ITEMS NOT APPROVED**

10. Eligibility Criteria
11. Geographic Pay Add-on
12. Tuition Reimbursement/Loan Assistance

**Public Defender Board**

**Table 1  
Department Budget Summary by Funding Source (in thousands of dollars)**

	ACTUAL FY24	ADJUSTED BASE FY25	AGENCY REQUEST FY26	AGENCY REQUEST FY27	GOVERNOR'S RECOMMENDATION FY26	GOVERNOR'S RECOMMENDATION FY27
GENERAL PURPOSE REVENUE	\$120,110.3	\$132,777.8	\$138,836.6	\$150,114.1	\$138,999.1	\$141,780.6
State Operations	120,110.3	132,777.8	138,836.6	150,114.1	138,999.1	141,780.6
FEDERAL REVENUE (1)	\$5,842.8	\$1.6	\$0.0	\$0.0	\$0.0	\$0.0
State Operations	5,842.8	1.6	0.0	0.0	0.0	0.0
PROGRAM REVENUE (2)	\$638.7	\$1,498.7	\$1,510.4	\$1,511.1	\$1,510.4	\$1,511.1
State Operations	638.7	1,498.7	1,510.4	1,511.1	1,510.4	1,511.1
TOTALS - ANNUAL	\$126,591.9	\$134,278.1	\$140,347.0	\$151,625.2	\$140,509.5	\$143,291.7
State Operations	126,591.9	134,278.1	140,347.0	151,625.2	140,509.5	143,291.7

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2  
Department Position Summary by Funding Source (in FTE positions)**

	ADJUSTED BASE FY25	AGENCY REQUEST FY26	AGENCY REQUEST FY27	GOVERNOR'S RECOMMENDATION FY26	GOVERNOR'S RECOMMENDATION FY27
GENERAL PURPOSE REVENUE	614.85	690.45	690.45	667.35	667.35
State Operations	614.85	690.45	690.45	667.35	667.35
PROGRAM REVENUE (2)	5.00	5.00	5.00	5.00	5.00
State Operations	5.00	5.00	5.00	5.00	5.00
TOTALS - ANNUAL	619.85	695.45	695.45	672.35	672.35
State Operations	619.85	695.45	695.45	672.35	672.35

(2) Includes Program Revenue-Service and Program Revenue-Other

**Public Defender Board**

**Table 3  
Department Budget Summary by Program (in thousands of dollars)**

	ACTUAL FY24	ADJUSTED BASE FY25	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY26	FY27	FY26	FY27
1. Legal assistance	\$126,591.9	\$134,278.1	\$140,347.0	\$151,625.2	\$140,509.5	\$143,291.7
TOTALS	\$126,591.9	\$134,278.1	\$140,347.0	\$151,625.2	\$140,509.5	\$143,291.7

**Table 4  
Department Position Summary by Program (in FTE positions)**

	ADJUSTED BASE FY25	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY26	FY27	FY26	FY27
1. Legal assistance	619.85	695.45	695.45	672.35	672.35
TOTALS	619.85	695.45	695.45	672.35	672.35

**Public Defender Board**

**1. Workload Staffing**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	3,777,900	52.50	3,929,700	52.50	3,656,800	52.50	3,929,700	52.50
TOTAL	3,777,900	52.50	3,929,700	52.50	3,656,800	52.50	3,929,700	52.50

The Governor recommends providing funding and position authority for new support staff positions.

**2. Assistant State Public Defender Merit Compensation**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,814,800	0.00	3,653,100	0.00	2,179,700	0.00	4,339,100	0.00
TOTAL	1,814,800	0.00	3,653,100	0.00	2,179,700	0.00	4,339,100	0.00

The Governor recommends providing funding for a one-step pay progression in each fiscal year for all eligible assistant state public defenders.

**3. Expert Witness Services Cost-to-Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,044,000	0.00	1,044,000	0.00	1,044,000	0.00	1,044,000	0.00
TOTAL	1,044,000	0.00	1,044,000	0.00	1,044,000	0.00	1,044,000	0.00

The Governor recommends providing funding to cover the board's actual costs related to expert witness services.

**4. Transcripts, Interpreters and Discovery Cost-to-Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	347,600	0.00	347,600	0.00	347,600	0.00	347,600	0.00
TOTAL	347,600	0.00	347,600	0.00	347,600	0.00	347,600	0.00

The Governor recommends providing funding to cover the board's actual costs related to transcripts, interpreters and discovery.

**Public Defender Board**

**5. Private Bar Cost-to-Continue**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-6,773,900	0.00	4,420,200	0.00	-2,353,700	0.00	0	0.00
TOTAL	-6,773,900	0.00	4,420,200	0.00	-2,353,700	0.00	0	0.00

The Governor recommends adjusting funding to reflect the board's actual costs to provide reimbursement to private bar attorneys.

**6. Private Bar Serious Case Rate**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,101,400	0.00	2,728,900	0.00	0	0.00	1,432,600	0.00
TOTAL	1,101,400	0.00	2,728,900	0.00	0	0.00	1,432,600	0.00

The Governor recommends providing funding to create a serious case rate of \$125 per hour for private bar attorneys.

**7. Charging and Sentencing Alternatives**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	-3,317,600	0.00	-8,187,200	0.00	-2,563,800	0.00	-6,034,100	0.00
TOTAL	-3,317,600	0.00	-8,187,200	0.00	-2,563,800	0.00	-6,034,100	0.00

The Governor recommends requiring a diversion and restitution alternative for certain misdemeanor offenses. The Governor also recommends legalizing marijuana. The Governor further recommends reducing the board's budget to reflect the decreased need for legal representation caused by this policy change. See Circuit Courts, Item #7; Department of Agriculture, Trade and Consumer Protection, Item #35; and Department of Revenue, Item #13.

**8. Pilot CHIPS Extension**

The Governor recommends extending the pilot Child in Need of Protection Services Program through June 30, 2027.



**Public Defender Board**

**9. Standard Budget Adjustments**

Source of Funds	Agency Request				Governor's Recommendations			
	FY26		FY27		FY26		FY27	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	3,910,700	0.00	3,943,900	0.00	3,910,700	0.00	3,943,900	0.00
PR-F	-1,600	0.00	-1,600	0.00	-1,600	0.00	-1,600	0.00
PR-S	12,200	0.00	12,700	0.00	12,200	0.00	12,700	0.00
PR-O	-500	0.00	-300	0.00	-500	0.00	-300	0.00
<b>TOTAL</b>	<b>3,920,800</b>	<b>0.00</b>	<b>3,954,700</b>	<b>0.00</b>	<b>3,920,800</b>	<b>0.00</b>	<b>3,954,700</b>	<b>0.00</b>

The Governor recommends adjusting the board's base budget for: (a) full funding of continuing position salaries and fringe benefits (\$3,734,400 in each year); (b) overtime (\$223,200 in each year); and (c) full funding of lease and directed moves costs (-\$36,800 in FY26 and -\$2,900 in FY27).

**ITEMS NOT APPROVED**

The following requests are not included in the Governor's budget recommendations for the Public Defender Board.

Decision Item	Source of Funds	FY26		FY27	
		Dollars	Positions	Dollars	Positions
10. Eligibility Criteria	GPR	2,271,100	23.10	3,573,300	23.10
11. Geographic Pay Add-on	GPR	1,382,800	0.00	1,382,800	0.00
12. Tuition Reimbursement/Loan Assistance	GPR	500,000	0.00	500,000	0.00
<b>TOTAL OF ITEMS NOT APPROVED</b>	<b>GPR</b>	<b>4,153,900</b>	<b>23.10</b>	<b>5,456,100</b>	<b>23.10</b>

