

THE SPANGENBERG GROUP

2001 Public Defender Up-front Application Fees Update

Jurisdiction (Authority)	Current Fee	FY 2000 Fee Revenues	Implementation Date	Revenue Recipient	Screening/Collections Agency	Estimated % of Clients from Whom Fee is Collected	Fee Collection's Overhead Expenditure	Partial Payment Mechanism
Arkansas ARK. STAT. ANN. §16-87-213 (2001)	\$10-\$100	Approx \$174,412	1999	Public Defender Commission	The Courts	N/A	None	The fee is waived if defendant cannot pay the \$10 minimum fee.
California CAL. PENAL CODE §987.5 (West 2001)	\$25	N/A	Legislation enacted 8/96. Implementation dates dependent upon county action.	County General Fund	Varies from county to county.	Varies from county to county.	Varies from county to county	Defendant may be assessed a portion of the fee.
Colorado COLO.REV. STAT. §3 21-1-103 (2001)	\$25 ¹	\$155,207	1990	State General Fund	The Courts	N/A	None	Defendant may be assessed a portion of the fee.
Connecticut CONN. GEN. STAT. §51.298 (2001)	\$25	\$83,000	July 1, 1993	Division of Public Defender Services	Division of Public Defender Services	20%	None	Defendant may be assessed a portion of the fee.
Delaware DEL. CODE ANN. tit. 29 §.4607 (2001)	\$50	\$210,601	1998	State General Fund	The Courts	N/A	None	Defendants who are unable or fail to pay the fee can be ordered to report to the Department of Corrections to work for a number of hours necessary to discharge the fee.
Florida FLA. STAT. §27.52 (2001)	\$40 ²	Approx. \$2.5 million	January 1, 1997	Indigent Criminal Defense Fund	The Courts	N/A	2% of collected revenue is retained by the clerk of the court	Defendant may be assessed a portion of the fee.
Georgia GA.CODE ANN. §17-12-30 et seq (2001)	Varies	N/A	The Georgia Indigent Defense Act was enacted in 1979. Since then, counties have had the option to implement a fee.	Varies	Local Indigent Defense Administrators	Varies	Varies	Defendant may pay a portion of the fee.
Indiana IND. CODE §35-33-7-6 (2001)	Felony: \$100, Misdemeanor: \$50	N/A	1996	The County Supplemental Public Defense Fund	The Courts	Unknown	None	Defendants are only charged the fee if they are found to be indigent but able to contribute.

NA=Not Available

¹ The Colorado fee was originally \$10. It was raised to \$25 in 1992.

² Florida's fee is not waivable.

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Kentucky KY. REV. STAT. ANN. §31.051 (West 2001)	\$52.50 ³	\$873,526.27	July 15, 1994	Department of Public Advocacy	The Courts	Approximately 11-19%	None	Defendant may be assessed a portion of the fee.
Massachusetts MASS. GEN. LAWS ANN. c. 211d, §2A (West 2001)	\$100 ⁴	\$2,383,240	July 1, 1990	State General Fund	Probation Department conducts screening and collections. Judge makes final assessment.	N/A	None	Defendant may be assessed a portion of the fee.
New Jersey N.J. ADMIN. CODE tit.15 §16-3.1 (2001)	\$50	\$226,534	July 1, 1991	State Public Defender	State Public Defender screens, Department of Treasury, Division of Revenue collects	6.4%	N/A	Defendant may be assessed a portion of the fee.
New Jersey (Municipal Public Defender) N.J. REV. STAT. §2B:12-28 (2000)	Up to \$200	N/A	January 1, 1998	Dedicated fund to meet costs incurred by municipal public defender services.	Municipal Court	N/A	None	Defendant may be assessed a portion of the fee.
New Mexico N.M. STAT. ANN. §31-15-12 (2001)	\$10	\$106,960.00	July 1, 1993	Public Defender's Automation Fund	Screening/collections are conducted by public defenders in the seven districts that have public defender offices. The courts are responsible in the other six districts.	Approximately 20%	N/A	The fee is waived if defendant cannot pay the \$10.
North Dakota N.D. CENT. CODE §29-07-01.1 (2001)	\$25	Not Applicable	April 5, 2001	Indigent Defense Administration Fund	The Courts	Not Applicable	None	The fee may be waived or reduced.
Ohio OHIO REV. CODE. ANN. §120.05(D); §120.15(B)(3); §120.25(B)(3); §120.33(A)(4) and §2941.51(D) (West 2001)	\$75 ⁵	N/A	January 1, 2000	County General Fund	County Public Defender Offices	N/A	N/A	Defendant may be assessed a portion of the fee.

N/A = Not Available

³ Originally \$40, this fee was raised to \$52.50 as of FY 1999.

⁴ Originally, Massachusetts instituted a \$40 fee effective July 1990. The fee was then raised to \$75 to be effective in July 1992. The current \$100 fee went into effect in July 1994.

⁵ This fee is in use in each of the 11 counties run by the Office of the State Public Defender. Other counties in Ohio may opt to institute their own fee as well.

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Oklahoma OKLA. STAT. ANN. tit. 22, §1355.6(C)(West 2001)	\$40 ⁶	Unknown ⁷	July 1, 1992	The Court Clerk's Revolving Fund	The Courts	N/A	None	Defendant may be assessed a portion of the fee.
Oregon OR. REV. STAT. §151.487 (1999)	\$20	\$365,806 ⁸	September 1998	State Court Indigent Defense Account	Court	N/A	N/A	Fee may be waived or reduced.
South Carolina S.C. CODE. ANN. §17-3-30 (B) (Law. Co-op. 2000)	\$25	\$188,776	July 1, 1993	Office of Indigent Defense	Varies from county to county. In majority of counties, court clerks are responsible.	Approximately 10%	None	Defendant may be assessed a portion of the fee.
Tennessee TENN. CODE ANN. §40-14- 103, § 37-1-126 (Lexis 2001)	\$50 ⁹	921,770 ¹⁰	July 1, 1997	5% to Court; 95% to General Fund	Court	N/A	\$4,609	Fee may be waived or reduced.
Vermont VT. STAT. ANN. § 5238	\$25	\$298,417	March 21, 1996	Public Defender Special Fund	Court, Probation, Tax Department	N/A	None	Defendant may be assessed a portion of the fee.
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⁶ Originally, Oklahoma's fee was \$15. At that time, 10% of the fee (\$1.50) was dedicated to the courts while 90% (\$13.50) went to the Oklahoma Indigent Defense System (OIDS). On July 1, 1996 the fee was increased to \$40, and \$20 allocated to OIDS, the other \$20 allocated to the Court Clerk's Revolving Fund. As of November 1, 1997, the entire fee goes to the courts.

⁷ The funds resultant from the fee are put in the Court Clerk's Revolving Fund, in which the funds from several other fees are deposited. There is currently no separate accounting for this fee.

⁸ Figure represents revenue generated by client contribution and application fee brought generated in five counties including Multnomah, the states most populous county.

⁹ If the court finds the defendant has the means to pay more than \$50, the fee can be increased to an amount not to exceed \$200.

¹⁰ This revenue figure represents money generated in Calendar Year 2000.

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Washington Local Ordinances	Varies	Varies	Varies	Varies	Varies	N/A	N/A	Defendant may be assessed a portion of the fee.
Wisconsin WIS. STAT. ANN. §977.075 (West 2001)	Varies ¹¹	\$929,218	August 1, 1995	Wisconsin State Public Defender	Wisconsin State Public Defender	17%	N/A	If defendant pays the fee in installments, he loses out on the prepayment discount.

N/A = Not Available

¹¹ The fee is based upon a detailed matrix that takes into account the type and number of charges brought against the defendant. The defendant may elect to prepay the charges at a reduced rate within 30 days of application for counsel.