State of Wisconsin
2013 - 2014 LEGISLATURE

LRB–0907/1
PJH:jld:rs

2013 ASSEMBLY BILL 142

April 15, 2013 – Introduced by Representatives HEBL, RICHARDS, PASCH, WACHS, ZEPNICK, MASON, BILLINGS, BERCEAU, C. TAYLOR, WRIGHT, OHNSTAD, GENRICH, BEWLEY, KAHL and BERNARD SCHABER, cosponsored by Senators LEHMAN, L. TAYLOR and T. CULLEN. Referred to Committee on Judiciary.

AN ACT ***to create*** 757.19 (2) (h) of the statutes; **relating to:** an objective standard for the disqualification of a judge or justice.

Analysis by the Legislative Reference Bureau

Under current law, a judge or justice must disqualify himself or herself from presiding over or deciding a legal proceeding or action if certain circumstances exist that would affect the judge's or justice's impartiality in the action, if the judge or justice determines that he or she is incapable of acting in an impartial manner, or if he or she determines that it appears that he or she cannot act in an impartial manner.

This bill requires a judge or justice to disqualify himself or herself from presiding over or deciding a legal proceeding or action if a reasonable person would question whether the judge or justice could act in an impartial manner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 757.19 (2) (h) of the statutes is created to read:

757.19 **(2)** (h) When a reasonable person would question whether the judge can act in an impartial manner.

(END)