

FISCALESTIMATE
DOA-2048 N(R10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Eliminating Substitution of Judges in Criminal Actions

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb
Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Towns Villages Cities

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Under current law the defendant in a criminal action generally has the right to one substitution by which a judge who is scheduled to handle the case may be taken off the case without having to give a reason. This bill eliminates that right.

In 1998, there were 6,100 requests for substitution filed in the circuit courts, 3,400 of which were filed in criminal cases. When a judge is substituted the case is delayed pending the assignment of another active circuit judge or reserve judge. While this does not significantly affect multi-judge counties, it requires one and two-judge counties to seek the services of an out-county judge or a reserve judge. Approximately 50% of the counties in this state are on-judge counties and are in the northern or western part of the state where county seats are many miles apart. Travel time for out-county judges and court reporters is significant in rural areas when a substitution is involved. The exact savings in costs to the state for the travel as well as reserve judge costs is impossible to determine with the data available.

Substitutions also delay the disposition of cases. The length of the delay varies with the type of case and the area where it occurs. No cost estimates can be attached to the factor of delay

Long-Range Fiscal Implications: ~~with the data available.~~

Agency/Prepared by: (Name & Phone No.)
Director of State Courts

Authorized Signature/Telephone No. 6-6989

Sheryl Dewan

Date
4/20/99

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect	X ORIGINAL	UPDATED	LRB or Bill No./Adm. Rule No.	Amendment No.
DOA-2047 (R10/94)	CORRECTED	SUPPLEMENTAL	AB 201	

Subject **Eliminating Substitution of Judge in Criminal Cases**

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category	\$	\$ -
State Operations - Salaries and Fringes		
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ - indeter.	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency/Prepared by: (Name & Phone No.) Director of State Courts	Authorized Signature/Telephone No. <i>Sheryl Berman</i>	Date 4/20/99
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