

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-1440/1	Introduction Number AB-0109
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Description
 Eliminating substitution of judges in criminal matters

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs
 - Permissive Mandatory
 - 2. Decrease Costs
 - Permissive Mandatory
 - 3. Increase Revenue
 - Permissive Mandatory
 - 4. Decrease Revenue
 - Permissive Mandatory
 - 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

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Fiscal Estimate Narratives

DOJ 6/6/2011

LRB Number	11-1440/1	Introduction Number	AB-0109	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

2011 Assembly Bill 109 repeals s. 971.20, relating to a defendant's right to one (any) substitution of a judge in a criminal action.

Case law is well established regarding defendants' rights to bring due process challenges based upon claims of judicial bias. Repealing s. 971.20 will very likely increase the amount of litigation related to defendants and their counsel seeking to disqualify judges perceived to be biased by defendants.

The impact of this increased litigation would fall largely upon local prosecutors, public defenders and other appointed counsel, and the circuit courts. The Department of Justice anticipates increases in prosecutor consultation with Assistant Attorneys General in its Criminal Litigation and Criminal Appeals Units. A training component on revised procedure and anticipated defense motions and related litigation will likely be desirable or necessary for prosecutors. This training is largely provided by DOJ.

Because DOJ handles all felony criminal appeals, one can expect increases in Criminal Appeals Unit workload as appellate litigation increases resulting from revised procedure and unsettled law.

While DOJ anticipates increased resource demand should AB 109 become law, it is unable to quantify true impacts and demands and/or the increased number of felony appeals cases it may be required to handle due to the enactment of the bill.

Long-Range Fiscal Implications