



1997 ASSEMBLY BILL 441

July 1, 1997 - Introduced by Representatives WALKER, LADWIG, HUEBSCH, DUFF, DOBYNS, AINSWORTH, KELSO, ZIEGELBAUER, OLSEN, HAHN, SCHAFFER, MUSSEY, GUNDERSON, JENSEN, NASS, SYKORA and JESKEWITZ, cosponsored by Senators DARLING and ROESSLER. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 971.20 of the statutes; **relating to:** eliminating substitution
2 of judges in criminal matters.

Analysis by the Legislative Reference Bureau

Under current law, there are 2 methods by which a judge who is scheduled to handle a case is replaced: disqualification and substitution. A judge is required to disqualify himself or herself in a case if the judge may be considered to have an interest in the matter, such as if the judge is related to a party, has previously been involved with the case as counsel or has a significant financial or personal interest in the outcome.

Substitution is the method by which parties in the case may have a judge who is scheduled to handle a case taken off the case without having to give a reason. Each party in a civil case and the defendant in a criminal case generally have a right to one substitution, except that additional substitution rights occur in certain cases if there is a successful appeal or if the judge who handles a preliminary hearing is assigned to handle the trial.

This bill retains the provisions relating to the disqualification of a judge, but eliminates the defendant's right to substitution of a judge in criminal matters.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

