

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Raschka

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - courts/judges

Extra Copies: MGD, RLR

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM1,

Topic:

Eliminate substitution of judge in criminal cases

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 06/21/2001	wjackson 06/21/2001		_____			
/1			haugeca 06/22/2001	_____	lrb_docadmin 06/22/2001		

FE Sent For:

<END>

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1/?	nelsorp1	1 WLJ 6/21	CH 6-22	CH 6-22 pb			

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<END>

Motions:

1. **Reestablishing Court Authority to Suspend or Revoke a Juvenile's Driver's License for Failure to pay Non-Driving Forfeitures.** DOT should be able to absorb the \$18,500 cost (Ladwig, Motion #48)

1793 Entered RPN
2. **Repeal a recent change in the time period defendants have to answer lawsuits, restoring the time period to 20 days.** Amend to include only bank foreclosures. *Fiscal effect - None.* (Suder, Motion #121)

3. **Eliminate three additional prison chaplain positions.** *Cost savings - None.* DOC does not have to spend an additional \$138,600 (Suder, Motion #76)

4. **Faith-Based Approaches to Crime prevention and Justice based on Assembly Bill 443.** *Cost \$100,000 GPR in the first year, \$100,000 GPR in the second year.* Source of funding Minority Business Economic Development Program in the Department of Commerce. (Jensen, Motion #182)

5. **District Attorneys Rock(0.5) take 25 positions from Rock and give to Ashland**

6. **Parole Commission Membership and Staffing [LFB paper 353] (Comparative Document JFC/Gov. p. 265, #6)**

Cut/Governor's proposal in half. Provide 1.0 parole commissioner position and 2.0 assistants. *Cost savings \$336,400* Use money to fund additional court interpreters.

1787 RPN Entered
Provide 1.0 two-year interpreter coordinator position to develop a court interpreter certification and training program. Beginning in 2002-2003, increase reimbursement to counties from \$35 per half day to \$30 for the first hour and \$15 for each additional .5 hour for qualified interpreters and to \$40 for the first hour and \$20 for each additional .5 hour for certified interpreters. *Funded through previous JFC appropriation and savings from cut in Parole Commission staffing.*

Misc.:

Guilty, but mentally ill (1999 AB 516)

Creating a plea and verdict of guilty but mentally ill in certain criminal cases - as an alternative to a guilty verdict or a not guilty by reason of mental disease or defect verdict.

1332 RPN
Judicial Substitution ban (1999 AB 201)

Eliminating substitution of judges in criminal matters.

1999 ASSEMBLY BILL 201

March 15, 1999 - Introduced by Representatives WALKER, KRUSICK, GUNDRUM, LADWIG, F. LASEE, PORTER, HAHN, JENSEN, BRANDEMUEHL, ZIEGELBAUER, OLSEN, M. LEHMAN, MUSSER, SKINDRUD, PLALE, ALBERS, STONE, GUNDERSON, KELSO, MONTGOMERY, NASS, SERATTI, OWENS, POWERS and KEDZIE, cosponsored by Senators DARLING, ROESSLER, FARROW, ZIEN and FITZGERALD. Referred to Committee on Corrections and the Courts.

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:

2001

Date (time) needed soon

LRB b 1332 1 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RPN : Wlj : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 1258, line 7: after that line insert:
(insert 1258-7)

#. Page 1396, line 6: after that line insert:
(insert 1396-6)

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

~~#. Page, line:~~

ASSEMBLY BILL 201

58-7

↓

⑥
9002 m



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5

SECTION 1. 971.20 of the statutes is repealed. ✓⑥

~~SECTION 2. Initial applicability.~~

⑬ Elimination of judge substitution in criminal cases

This act first applies to actions commenced on the effective date of this

subsubsection. ✓⑥

(END)

The treatment of section 971.20
of the statutes

ARC:.....Raschka – AM1, Eliminate substitution of judge in criminal cases

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1258, line 7: after that line insert:

3 **“SECTION 4002m. 971.20 of the statutes is repealed.”.**

4 **2.** Page 1396, line 6: after that line insert:

5 **“(7n) ELIMINATION OF JUDGE SUBSTITUTION IN CRIMINAL CASES. The treatment of**

6 **section 971.20 of the statutes first applies to actions commenced on the effective date**

7 **of this subsection.”.**

8 **(END)**