

2011 DRAFTING REQUEST

Bill

Received: 03/23/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Rich Zipperer (608) 266-9174

By/Representing: Chris Reader

May Contact:

Drafter: phurley

Subject: Criminal Law - procedure

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Zipperer@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Right of substitution in criminal cases

Instructions:

companion to 11-1440

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>
/?	phurley 03/23/2011	jdyer 03/23/2011		_____			S&L
/1			jfrantze 03/23/2011	_____	mbarman 03/23/2011	lparisi 04/22/2011	

FE Sent For: @ intro.

<END>

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/?	phurley	1/3/23 jld		6/3/23			

FE Sent For:

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1440-1
PJH:bb&jlg:ph

Keep
1740/1
rmm

2011 BILL

323-11

X

Regen

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 two 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 for both civil and criminal matters, 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:

Parisi, Lori

From: Reader, Chris

Sent: Thursday, April 21, 2011 4:01 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-1740/1 Topic: Right of substitution in criminal cases

Please Jacket LRB 11-1740/1 for the SENATE.

4/21/2011