Received By: phurley

2011 DRAFTING REQUEST

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Received: 03/23/2011

Wanted	As time perm	its			Companion to L	RB:	
For: Ric	ch Zipperer (6	08) 266-9174			By/Representing	g: Chris Reader	
May Co		.1.7			Drafter: phurley	7	
Subject:	Crimin	al Law - proce	dure		Addl. Drafters:		
					Extra Copies:		
Submit	via email: YES						
Request	er's email:	Sen.Zipper	rer@legis.wi	isconsin.gov	•		
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Right of	substitution in	criminal cases					
Instruc	tions:	·					
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2011 DRAFTING REQUEST

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<END>

2011 DRAFTING REQUEST

Bill

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Rich Zipperer (608) 266-9174

By/Representing: Chris Reader

May Contact:

Subject:

Criminal Law - procedure

Drafter: phurley

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:

Vers.

FE Sent For:

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phurley

<END>

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State of Misconsin 2011 - 2012 LEGISLATURE



2011 BILL

3-23-11

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Regen

AN ACT to repeal 971.20 of the statutes; relating to: eliminating substitution

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:

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Section 1. 971.20 of the statutes is repealed	S	SECTION 1.	971.20	of the	statutes	is r	enealed
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- 2 Section 2. Initial applicability.
- 3 (1) This act first applies to actions commenced on the effective date of this

4 subsection.

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(END)

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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.