

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-1740/1	Introduction Number SB-074
Description Eliminating substitution of judges in criminal matters	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues
<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
DOJ/ Mark Rinehart (608) 264-9463	Mark Rinehart (608) 264-9463
Date	
5/3/2011	

Fiscal Estimate Narratives

DOJ 5/3/2011

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Description Eliminating substitution of judges in criminal matters					

Assumptions Used in Arriving at Fiscal Estimate

2011 Senate Bill 74 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 SB 74 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 SB 74.

Long-Range Fiscal Implications