



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0902/1
TKK:jld

2017 ASSEMBLY BILL 133

March 8, 2017 - Introduced by Representatives HEBL, ANDERSON, BERCEAU, BOWEN, CROWLEY, KESSLER, KOLSTE, MASON, POPE, SARGENT, SPREITZER, SUBECK, C. TAYLOR and WACHS, cosponsored by Senators RINGHAND, JOHNSON, RISSER, L. TAYLOR and VINEHOUT. Referred to Committee on Judiciary.

1 **AN ACT** *to create* 757.19 (5m) of the statutes; **relating to:** disqualification of a
2 judge or justice.

Analysis by the Legislative Reference Bureau

This bill requires a judge or justice who does not disqualify himself or herself after a motion for disqualification is filed by a party in the action to file in writing the reasons he or she did not disqualify himself or herself. Under the bill, a judge or justice must file the reasons for disqualification or for deciding against disqualification within 60 days after a final judgment or final order has been issued in the action.

Under current law, a judge or justice may be required to disqualify himself or herself from a legal action if certain circumstances exist that would render the judge or justice incapable of acting in an impartial manner or if the judge or justice believes that he or she would appear incapable of acting in an impartial manner. Current law requires a judge or justice who is disqualified to file in writing the reasons for the disqualification.

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

3 **SECTION 1.** 757.19 (5m) of the statutes is created to read:
4 757.19 (**5m**) If a judge denies a motion to disqualify the judge, he or she shall
5 file in writing the reasons for the denial of the motion. Written statements required

ASSEMBLY BILL 133

SECTION 1

1 by this subsection shall be filed within 60 days after a final judgment or final order
2 has been issued in the civil or criminal action or proceeding.

3 (END)