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1971 Senate Bill 306

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CHAPTER 138, Laws of 1971

AN ACT to amend 261.08 (3) of the statutes, relating to motions on affidavits of prejudice.

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

261.08 (3) of the statutes is amended to read:

261.08 (3) The affidavit must be filed ~~and motion thereon~~ made on or before the first day of the term, at which the case is triable, or within 10 days after the case is noticed for trial; except that if the judge so named is the judge of some other jurisdiction, the affidavit must be filed and a copy thereof mailed to such judge at least 5 days before any proceeding is had before him in the case in which such affidavit is filed, including any motion upon the affidavit. The filing of such affidavit shall not deprive the presiding judge of the court in which the case is pending, of jurisdiction to determine pending motions made by the party filing such affidavit. No such affidavit shall name more than one judge, except that in a circuit court consisting of more than 3 branches such affidavit may, in cases other than those assigned to and pending in the criminal branches thereof, name 2 judges of said circuit court.
