

1983 Senate Bill 148

Date of enactment: **April 20, 1984**
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1983 Wisconsin Act 218

AN ACT *to amend* 345.315 (1) of the statutes, *relating to* substitution of a newly assigned judge in traffic regulation cases.

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

SECTION 1. 345.315 (1) of the statutes is amended to read:

345.315 (1) In traffic regulation and nonmoving traffic violation cases a person charged with a violation may file a written request for a substitution of a new different judge for the judge originally assigned to the trial of that case. The written request shall be filed not later than 7 days after the initial appearance in person or by an attorney. If a new judge is assigned to the trial of a case, ~~a request for substitution must be made within 10 days of receipt of notice of assignment, provided that if the notice of assignment is received less than 10 days prior to trial, the request for substitution must be made within 24 hours of receipt of the notice and provided that if notification is received less than 24 hours prior to trial, the action shall proceed to trial only upon stipulation of the parties that the assigned judge may preside at the trial of the action and the defendant has not exercised the right to substitute an assigned judge, a written request for the substitution of the new judge may be filed within 10 days of the giving of actual notice or sending of the notice of assignment to the defendant or the defendant's attorney. If the notification occurs within 10 days of the date set for trial, the request shall be filed within 48 hours of the giving of actual notice or sending of the notice of assignment to the defendant or the defendant's attorney. If the notification occurs within 48 hours of the trial or if there has been no notification, the defendant may make an oral or written request for substitution prior to the commencement of the proceedings.~~ The judge against whom a request has been filed may set initial bail and accept a plea.

NOTE: Section 345.315 (1), stats., is amended by conforming the procedure for requesting the substitution of a judge other than the judge originally assigned to the trial of a traffic regulation case to that specified for criminal actions in s. 971.20 (5), stats. The time deadlines are made to run from the time of giving actual notice or sending the notice of assignment to the defendant or the defendant's attorney rather than receipt thereof, which is difficult to determine and therefore causes problems in the administration of justice.
