



2015 ASSEMBLY BILL 801

January 25, 2016 – Introduced by Representatives JACQUE, GANNON, HORLACHER and STEFFEN. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 971.20 (10) of the statutes; **relating to:** substitution of judges
2 in criminal matters.

Analysis by the Legislative Reference Bureau

This bill eliminates the right of a defendant to substitute a judge in a criminal proceeding without explanation or reason. Current law generally allows a defendant one such substitution.

The bill requires a defendant who wishes to substitute a judge in a criminal proceeding to indicate in writing his or her reasons for the substitution request. Under the bill, the reasons for requesting a substitution must be one or more of the following:

1. The judge was engaged as counsel in the action prior to being appointed or elected as a judge;
2. The judge is otherwise interested in the action;
3. The judge is related to either party to the action;
4. The judge is a material witness in the action; or
5. The defendant has reason to believe that he or she cannot obtain a fair and impartial trial on account of the judge's bias, prejudice, or interest of the judge.

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:

