

1 **AN ACT** *to amend* 757.19 (5) of the statutes; **relating to:** filing a statement of reasons
 2 when a judge or justice denies a motion for disqualification.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft, relating to filing a statement of reasons when a judge or justice denies a motion for disqualification, was prepared for the Joint Legislative Council’s Special Committee on Judicial Discipline and Recusal.

3 **SECTION 1.** 757.19 (5) of the statutes is amended to read:

4 757.19 (5) When a judge is disqualified, the judge shall file in writing the reasons and
 5 the assignment of another judge shall be requested under s. 751.03. When a judge denies a
 6 motion to disqualify the judge, he or she shall file in writing the reasons for the denial of the
 7 motion. [The written statements required by this subsection shall be filed within ____ days after
 8 a final judgment or final order has been issued in the civil or criminal action or proceeding.]

NOTE: Current law provides that when a judge or justice is disqualified, the judge or justice must file in writing the reasons for the disqualification.

This SECTION provides that a judge or justice also must file in writing the reasons for denying a motion to disqualify the judge or justice. The optional material asks whether a statement should be filed after the conclusion of a civil or criminal action or proceeding in order to avoid any prejudice in the ongoing civil or criminal action or proceeding.