

Judiciary

AB 123 – Appellate Procedure – Commitments

Rep. Hebl

Summary of Bill:

Assembly Bill 123 was introduced by request of the Wisconsin Judicial Council. Current law establishes the appellate procedures applicable to various types of cases. Under current law, appeals in criminal cases and cases involving children, juveniles alleged to be delinquent, protective services, or persons subject to commitment as sexually violent persons or due to mental health or drug abuse must follow a specific set of appeal procedures. Under current law, appeals in cases involving commitments of persons found not guilty by reason of mental disease or defect follow the criminal appeals process, although there is no specific statutory authority for this. This bill establishes one integrated appeal procedure for all of these types of cases.

Fiscal Effect:

No fiscal estimate was prepared for this bill.

Assembly Republican Message:

- AB-123 was introduced by request of the Wisconsin Judicial Council.

Opposition Arguments:

- AB-123 was introduced by request of the Wisconsin Judicial Council.

Key Supporters:

Wisconsin Judicial Council; Representative Hebl (author); Senator Lena Taylor; Marla Stephens, Wisconsin Public Defender; Mark Rinehart, Department of Justice; Nancy Rottier, Director of State Courts; Margaret Carlson, Wisconsin Court of Appeals; State Bar of Wisconsin; and the Wisconsin Sheriffs and Deputy Sheriffs Association.

Key Opponents:

No one testified or registered against AB123, and no one registered against it with the Ethics Board.

Committee Vote:

On April 21, 2009, the Assembly Committee on Judiciary and Ethics recommended passage of AB123 on a vote of 10-0.

Staff Author of Bill Summary

Steve Knudson; Office of Rep. Mark Gundrum (7-5158)