

Judiciary

AB 124 – Appellate Procedure

Rep. Hebl

Summary of Bill:

Assembly Bill 123 was introduced by request of the Wisconsin Judicial Council. In criminal cases, current law permits the review of an order denying a motion to suppress evidence or a motion challenging admissibility of a defendant's statement as part of an appeal from a conviction, notwithstanding the fact that the judgment of conviction was entered on a guilty plea. This bill permits review of an order denying a motion to suppress evidence or a motion challenging admissibility of a statement of a defendant as part of an appeal from a final judgment or order, notwithstanding the fact that the final judgment or order was entered on an admission of guilt or a no contest plea. This bill also permits the review of orders denying a motion to suppress evidence or a motion challenging admissibility of the statement of a juvenile upon review from a final judgment or order, notwithstanding the fact that the final judgment or order was entered upon a plea of no contest or an admission to the allegations of a petition filed in cases involving juveniles alleged to be delinquent.

Fiscal Effect:

A fiscal estimate prepared by DOA indicates indeterminate state and local fiscal effect. A fiscal estimate prepared by the Department of Justice indicates no state fiscal effect and indeterminate local fiscal effect. A fiscal estimate prepared by the State Public Defender indicates no state or local fiscal effect.

Supporters Message:

- AB-124 was introduced by request of the Wisconsin Judicial Council.

Opposition Arguments:

- AB-124 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 AB124, 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 AB124 on a vote of 10-0.

Staff Author of Bill Summary

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