

2013 DRAFTING REQUEST

Bill

Received:	10/24/2013	Received By:	emueller
Wanted:	As time permits	Same as LRB:	-3718
For:	Legislative Council - LRC	By/Representing:	Mike Queensland
May Contact:		Drafter:	emueller
Subject:	Courts - miscellaneous/other	Addl. Drafters:	
		Extra Copies:	PJH

Submit via email: **YES**
 Requester's email: **Michael.Queensland@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Omnibus courts LRC bill

Instructions:

Combine -0493 and -0496

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/11/2013	evinz 11/15/2013		_____			
/1	emueller 11/25/2013		jmurphy 11/15/2013	_____	lparisi 11/15/2013		
/2		evinz 11/25/2013	rschluet 11/25/2013	_____	mbarman 11/25/2013	rosrose 11/26/2013	

FE Sent For:

None
Needed

<END>

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12	2 VM 11/25/13	12 eeV 11/25/13	12 eeV 11/25/13				

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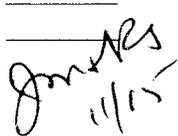
Topic:

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Instructions:

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1/2	emueller						
1/1	EMM 11/11/13	1 eev 11/15/13	1 eev 11/15/13	 11/15			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0493/1

3510/1

PJH:eev&wlj:rs

EVM

2013 BILL

INSECTS

11/11/13

RMNR

regen

This week

1

AN ACT *to repeal* 756.06 (2) (am); and *to amend* 756.06 (2) (a), 972.02 (2) and

2

972.04 (1) of the statutes; **relating to:** juries in criminal cases.

of
and contents of
registers of
officials

Analysis by the Legislative Reference Bureau

In *State v. Hansford*, 219 Wis. 2d 226, 580 N.W.2d 171 (1998), the Wisconsin Supreme Court held that the Wisconsin Constitution requires a twelve-person jury in all criminal cases and that the law providing for a six-person jury in misdemeanor cases was unconstitutional.

This bill eliminates an inconsistency in current law governing the number of jurors in a criminal case. The bill eliminates a provision that allows a six-person jury in misdemeanor cases and provides that a jury in any criminal case shall consist of 12 persons, unless the parties agree to a smaller number and the court approves the agreement.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

INS
Analysis

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

BILL

PREFATORY NOTE: This bill eliminates a provision in current law that allows a six-person jury in misdemeanor cases and modifies provisions relating to twelve-person juries so that they apply to all criminal cases. The Wisconsin Supreme Court has held that the Wisconsin Constitution requires a twelve-person jury in all criminal cases and that the law providing for a six-person jury in misdemeanor cases is unconstitutional.

SECTION 1. 756.06 (2) (a) of the statutes is amended to read:

756.06 (2) (a) A jury in a felony criminal case shall consist of 12 persons unless both parties agree on a lesser number as provided in s. 972.02.

SECTION 2. 756.06 (2) (am) of the statutes is repealed.

SECTION 3. 972.02 (2) of the statutes is amended to read:

972.02 (2) At any time before the verdict ~~in a felony case~~, the parties may stipulate in writing or by statement in open court, on the record, with the approval of the court, that the jury shall consist of any number less than 12. ~~If the case is a misdemeanor case, the jury shall consist of 6 persons.~~

SECTION 4. 972.04 (1) of the statutes is amended to read:

972.04 (1) The number of jurors selected shall be prescribed in s. 756.06 (2) (a) ~~or (am), whichever is applicable~~, unless a lesser number has been stipulated and approved under s. 972.02 (2) or the court orders that additional jurors be selected. That number, plus the number of peremptory challenges available to all the parties, shall be called initially and maintained in the jury box by calling others to replace jurors excused for cause until all jurors have been examined. The parties shall thereupon exercise in their order, the state beginning, the peremptory challenges available to them, and if any party declines to challenge, the challenge shall be made by the clerk by lot.

(END)

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2013 BILL

INSERT

~~1 AN ACT to amend 59.40 (2) (j) of the statutes; relating to: contents of registers
2 of officials (suggested as remedial legislation by the Director of State Courts).~~

Analysis by the Legislative Reference Bureau

Under current law, the clerk of circuit court for each county must keep a record called "registers of officials" containing the names of circuit and supplemental court commissioners, deputy sheriffs, notaries public, and municipal judges. Under this bill, the clerk of circuit court is not required to keep the names of notaries public in the registers of officials.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

~~LAW REVISION COMMITTEE-PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Director of State Courts and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.~~

SECTION #. 59.40 (2) (j) of the statutes is amended to read:

INS Analysis

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INS 2-1

A.R.a



BILL

SECTION 1

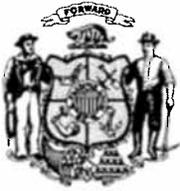
1 59.40 (2) (j) Keep a record called registers of officials and write or copy in the
 2 record in tabular form the names of circuit and supplemental court commissioners,
 3 deputy sheriffs, ~~notaries public~~ and municipal judges. The clerk shall list the
 4 officers' names, the dates of their qualification, and the commencement and
 5 termination, if any, of their terms. The names shall be in alphabetical order or there
 6 shall be an index in alphabetical order to the names.

NOTE: SECTION 1 ^p eliminates the requirement that the clerk of circuit court
 maintain the names of notaries public in the registers of officials.

INS
2-1

7

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3510/1 12
EVM&PJH:eev&wlj:jm

RMR

2013 BILL

11/25/13

Today

regen

1 AN ACT *to repeal* 756.06 (2) (am); and *to amend* 59.40 (2) (j), 756.06 (2) (a),
2 972.02 (2) and 972.04 (1) of the statutes; **relating to:** juries in criminal cases
3 and contents of registers of officials.

Analysis by the Legislative Reference Bureau

In State v. Hansford, 219 Wis. 2d 226, 580 N.W.2d 171 (1998), the Wisconsin Supreme Court held that the Wisconsin Constitution requires a twelve-person jury in all criminal cases and that the law providing for a six-person jury in misdemeanor cases was unconstitutional.

This bill eliminates an inconsistency in current law governing the number of jurors in a criminal case. The bill eliminates a provision that allows a six-person jury in misdemeanor cases and provides that a jury in any criminal case shall consist of 12 persons, unless the parties agree to a smaller number and the court approves the agreement.

Under current law, the clerk of circuit court for each county must keep a record called "registers of officials" containing the names of circuit and supplemental court commissioners, deputy sheriffs, notaries public, and municipal judges. Under this bill, the clerk of circuit court is not required to keep the names of notaries public in the registers of officials.

BILL

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

A.R.e

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., stats., as a result of the Legislative Reference Bureau's case and opinion review under s. 13.92 (2) (j), stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

INS
2-12

PREFATORY NOTE: This bill eliminates a provision in current law that allows a six-person jury in misdemeanor cases and modifies provisions relating to twelve-person juries so that they apply to all criminal cases. The Wisconsin Supreme Court has held that the Wisconsin Constitution requires a twelve-person jury in all criminal cases and that the law providing for a six-person jury in misdemeanor cases is unconstitutional.

SECTIONS 2 + 5 eliminate

modify

A.R.v.

1 SECTION 1. 59.40 (2) (j) of the statutes is amended to read:
2 59.40 (2) (j) Keep a record called registers of officials and write or copy in the
3 record in tabular form the names of circuit and supplemental court commissioners,
4 deputy sheriffs, notaries public and municipal judges. The clerk shall list the
5 officers' names, the dates of their qualification, and the commencement and
6 termination, if any, of their terms. The names shall be in alphabetical order or there
7 shall be an index in alphabetical order to the names.

A.R.e NOTE: SECTION 1 eliminates the requirement that the clerk of circuit court maintain the names of notaries public in the registers of officials.

8 SECTION 2. 756.06 (2) (a) of the statutes is amended to read:
9 756.06 (2) (a) A jury in a felony criminal case shall consist of 12 persons unless
10 both parties agree on a lesser number as provided in s. 972.02.

11 SECTION 3. 756.06 (2) (am) of the statutes is repealed.

12 SECTION 4. 972.02 (2) of the statutes is amended to read:
13 972.02 (2) At any time before the verdict in a felony case, the parties may
14 stipulate in writing or by statement in open court, on the record, with the approval

BILL

1 of the court, that the jury shall consist of any number less than 12. ~~If the case is a~~
2 ~~misdemeanor case, the jury shall consist of 6 persons.~~

A.R.V.

SECTION 5. 972.04 (1) of the statutes is amended to read:

4 972.04 (1) The number of jurors selected shall be prescribed in s. 756.06 (2) (a)
5 or (am), ~~whichever is applicable~~, unless a lesser number has been stipulated and
6 approved under s. 972.02 (2) or the court orders that additional jurors be selected.
7 That number, plus the number of peremptory challenges available to all the parties,
8 shall be called initially and maintained in the jury box by calling others to replace
9 jurors excused for cause until all jurors have been examined. The parties shall
10 thereupon exercise in their order, the state beginning, the peremptory challenges
11 available to them, and if any party declines to challenge, the challenge shall be made
12 by the clerk by lot.

13

(END)

INS
3-12

Rose, Stefanie

From: Queensland, Michael
Sent: Tuesday, November 26, 2013 8:55 AM
To: LRB.Legal
Subject: Draft Review: LRB -3510/2 Topic: Omnibus courts LRC bill

Please Jacket LRB -3510/2 for the SENATE.