



## Fiscal Estimate Narratives

DA 1/26/2017

LRB Number	17-0880/1	Introduction Number	AB-0035	Estimate Type	Original
<b>Description</b> The number of jurors in criminal cases					

### Assumptions Used in Arriving at Fiscal Estimate

This legislation would repeal Wis. Stat. 972.02(2) which allows criminal cases to be heard by juries which consist of fewer than 12 impaneled members if both the State and Defense agree to proceed.

The District Attorney community was surveyed regarding this proposed legislation. The option to proceed with a trial with fewer than 12 jurors impaneled is rarely utilized. However, when it is utilized it is to avoid a mistrial, often due to a jury failing to return for duty or somehow disqualifying themselves from further jury service. Abolishing this option may result in more mistrials and the cost of re-trying cases. Re-trying a case often presents a significant monetary burden on the defendant if they are paying for their own attorney.

### Long-Range Fiscal Implications

The option to try a case with fewer than 12 jurors is rarely utilized. However, this rule may result in more mistrials and more local and state costs spent re-trying cases.