



2017 ASSEMBLY BILL 35

January 20, 2017 - Introduced by Representatives KESSLER, GOYKE and BERCEAU,
cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

1 **AN ACT** *to repeal* 972.02 (2); and *to amend* 756.06 (2) (a) and 972.04 (1) of the
2 statutes; **relating to:** the number of jurors in criminal cases.

Under current law, a jury in a criminal trial generally consists of 12 jurors unless the parties agree that the number of jurors will be fewer than 12. This bill removes the option to have the criminal case decided by fewer than 12 jurors.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

4 756.06 (2) (a) A jury in a criminal case shall consist of 12 persons ~~unless both~~
5 ~~parties agree on a lesser number as provided in s. 972.02.~~

6 **SECTION 2.** 972.02 (2) of the statutes is repealed.

7 **SECTION 3.** 972.04 (1) of the statutes is amended to read:

8 972.04 (1) The number of jurors selected shall be prescribed in s. 756.06 (2) (a),
9 ~~unless a lesser number has been stipulated and approved under s. 972.02 (2) or the~~

ASSEMBLY BILL 35**SECTION 3**

1 court orders that additional jurors be selected. That number, plus the number of
2 peremptory challenges available to all the parties, shall be called initially and
3 maintained in the jury box by calling others to replace jurors excused for cause until
4 all jurors have been examined. The parties shall thereupon exercise in their order,
5 the state beginning, the peremptory challenges available to them, and if any party
6 declines to challenge, the challenge shall be made by the clerk by lot.

7 (END)