



JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Assembly Committee on Judiciary October 19, 2023

Thank you Chairman Tusler and members of the Assembly Committee on Judiciary for your consideration of Assembly Bill 411/Senate Bill 405.

AB 411/SB 405 was born from a constituent contact my office received this past July. A resident of the 42nd district reached out to me to discuss the experience of her mother who was summoned for jury duty in northern Wisconsin this past winter. In this circumstance, an elderly citizen was summoned for jury duty, did not hear back from her clerk of courts in a timely manner, and was ultimately dismissed after driving in winter weather to reach her county courthouse. Our constituent requested a cut off age, and upon initial discussion with clerks of courts, it was determined an opt-out would be preferred.

Under the bill, the clerk must send a notice along with the juror qualification form that:

- 1) Informs the prospective juror that he or she may elect to be excused from jury service if the prospective juror is at least 70 years of age
- 2) If the prospective juror is at least 70 years of age, provides the prospective juror with the option to elect to be excused from jury service for the following year or to be excused from all future jury service.

Additionally, the clerk must strike the name of any prospective juror who elects to be excused from the list of prospective jurors in the county who are qualified as eligible to serve as jurors for the following year. For any prospective juror who elects to be excused from all future jury service, the bill requires the clerk to notify the director of state courts of the prospective juror's election, and the director of state courts must exclude the person from the statewide master list of potential jurors the director of state court compiles in future years.

While current law does allow for excuses and deferrals at the discretion of the court clerk and judge, there is not currently an age exemption written in statute. 34 other states have granted seniors the right to decline jury service based on their age, including 20 that maintain a threshold of 70 years or older. These states include: Alabama, Alaska, California, Delaware, Florida, Georgia, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, Nevada, Oklahoma, Oregon, Texas, Virginia and West Virginia.

Thank you again for your consideration of this bill.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Testimony – **AB 411**

Assembly Committee on Judiciary
Thursday, October 19, 2023

Current law allows people to be excused from jury duty for physical and financial hardship reasons, a physical or mental incapacity, or “public necessity.” A resident must provide proof that jury service is a hardship. This bill is designed to make it easier for Wisconsin residents that are 70 and over to opt out of a specific jury duty assignment and/or all future jury summons for any reason.

Wisconsin residents 70 and over unfortunately encounter more issues related to healthcare, transportation, and the ability to manage coming to a courthouse and sitting through a sometimes lengthy trial. In those circumstances, this bill allows both an opt-out of the current summons and offers the option to never again serve as a juror if they so choose.

This bill does not require anything on Wisconsinites over 70 and does not discourage them from serving on a jury, but allows them to opt out due to their advanced age.

Wisconsin is looking to join many other States that offer the opt-out option for citizens 70 and over. Those States include, Alabama, Alaska, California, Delaware, Florida, Georgia, Idaho, Illinois (varies by county), Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, Nevada, Oklahoma, Oregon, Texas, Virginia, and West Virginia.

Written Testimony in favor of Assembly Bill 411

Teresa Escher
N2378 Summerville Park Rd
Lodi, WI 53555-9621

“My mom is over 80 and selected for jury duty in March in Northern Wisconsin. She informed them that she didn't drive in winter during bad weather. She hadn't heard back from the county and called the day before to verify she had to go in.

She drove in poor visibility and was driving around in circles trying to follow her Garmin. She stopped and called the court house saying she was lost and would be late. They gave her directions and could shortly see her car.

She went through security and into the hallway where everyone was waiting. The clipboard had already been taken in. Someone got her name and went inside.

They came back out and escorted out of that hallway. They told her she didn't need to be there that day. She asked about her other potential cases in March and was told she didn't need to come back at all. The person wasn't able to answer any other questions my mom had.

She had a trip planned in early July to see great grandchildren that were born during Covid and she hadn't met.

My sister visited my Mom and found her exhausted. She had gotten another jury summons. She called them up about having just been on in March. Was told everything needs to be in writing, so she wrote them a letter.

She hadn't heard back. She was losing sleep over it. My sister tried calling and didn't get called back. She tried again and the Clerk of Circuit courts was on vacation through June 29. It said that a member of her staff could help in her absence, but didn't say how to get a hold of anyone. We waited for Friday, June 30th and called again. She was still on vacation. We hit random numbers hoping to get a person to help us. They told us she wouldn't have to serve in July. She was scheduled for July 6th and flying to Madison late on July 4th.

Later she did receive an email confirming that she didn't have to serve.

Thank you,

Terri Escher

Elderly people who stop driving normally don't hand in their licenses. They may also spend years of only driving to church and the grocery store in their town. Having an active driver's license isn't the best way to know if someone can be a juror.”

From: Stacy Kleist <Stacy.Kleist@WICOURTS.GOV>
Sent: Wednesday, September 27, 2023 2:41 PM
To: Curry, Mary <Mary.Curry@legis.wisconsin.gov>
Subject: WCCCA Response to Jury Duty Legislation

Good Afternoon Mary,

Members of the Wisconsin Clerks of Circuit Court Association (WCCCA) Legislative Committee have met and discussed Rep. Plumer's jury duty legislation.

Our response is attached.

We look forward to staying in touch on this matter.

Thank you.



Stacy Kleist

Richland County Clerk of Circuit Court

President, Wisconsin Clerks of Circuit Court Association

608/647-3956 phone

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September 27, 2023

Greetings,

Thank you Rep. Plumber and Sen. Tomczyk for including the Wisconsin Clerks of Circuit Court Association (WCCCA) in the discussion of AB411 and SB405. Your bill has created a robust conversation amongst our Legislative Committee. Talking with Clerks of Court throughout the State, we find that policy varies from County to County and may depend on the age demographics of a County. Because of this, we want to dig deeper and get more feedback from all Wisconsin Counties.

We definitely have concerns with the bill as it is written and need more time to analyze the impact to Counties with a higher age population. The Clerk of Courts Association has a fall conference on October 12 and 13. This will allow our Association to dig into this bill further and understand the impacts to all Counties. Serving on a jury is an important civic duty afforded under the United States and State Constitutions so we want to get this right for the future.

Thank you again for your openness in working with the WCCCA. If you have any thoughts or questions please do not hesitate to reach out to me.

Sincerely,

John A. Vander Leest
Brown County Clerk of Court
WCCCA Legislative Chair
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Kay Wetzel

608-576-6168

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Testimony in Favor of Assembly Bill 411

I am in favor of a bill that would allow Seniors to opt out of jury duty. My mom is 94, still doing well, uses a cane but does not drive very far or often, and I would not like to have her feel obligated to do this if asked, and she would not want to impose on me to take her. This would also make her nervous, anxious and possibly be way too confusing for her. I think allowing seniors an option to opt out is the right thing to do.

Thanks!

Kay Wetzel