



## 2023 SENATE BILL 405

September 8, 2023 - Introduced by Senators TOMCZYK, MARKLEIN and TAYLOR, cosponsored by Representatives PLUMER, BINSFELD, MELOTIK, NOVAK, O'CONNOR, RODRIGUEZ, SCHMIDT, BALDEH, CABRERA, ORTIZ-VELEZ and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to renumber and amend* 756.03 (1); *to amend* 756.04 (6) (dm) and  
2           756.04 (9) (a); and *to create* 756.03 (1) (b), 756.04 (2) (g), 756.04 (6) (c) and  
3           756.04 (7) of the statutes; **relating to:** excusing certain persons from jury  
4           service.

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### ***Analysis by the Legislative Reference Bureau***

This bill allows a person who is at least 70 years of age to be excused from jury service.

Under current law, the director of state courts annually compiles a statewide master list of potential jurors for use by the state circuit courts and provides each clerk of circuit court with a list of prospective jurors who reside in the clerk's county and who are randomly selected from the master list to be used during the following year. Currently, the clerk mails a juror qualification form to each prospective juror to be summoned, and the prospective juror must complete and return the form, along with any other information the clerk requests, within ten days.

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 and, 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.

Under the bill, 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

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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. Under the bill, a prospective juror may revoke his or her election by notifying the director of state courts of the revocation.

Also under current law, a court may excuse a person from jury service if the court determines that the person cannot fulfill the responsibilities of a juror. The bill allows a court to also excuse a person from jury service if the person is at least 70 years of age and requests excusal.

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

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

1           **SECTION 1.** 756.03 (1) of the statutes is renumbered 756.03 (1) (intro.) and  
2 amended to read:

3           756.03 (1) **EXCUSE.** (intro.) The court to which a person is summoned for jury  
4 service may excuse the person from jury service if the any of the following applies:

5           (a) The court determines that the person cannot fulfill the responsibilities of  
6 a juror. The court shall not consider any structural limitations of a facility when  
7 making that determination.

8           **SECTION 2.** 756.03 (1) (b) of the statutes is created to read:

9           756.03 (1) (b) The person is at least 70 years of age and requests excusal.

10          **SECTION 3.** 756.04 (2) (g) of the statutes is created to read:

11          756.04 (2) (g) The office of the director of state courts may not include on the  
12 master list of potential jurors compiled under par. (a) any person who has elected to  
13 be excused from jury service under sub. (6) (c) 1. b. and has not notified the office that  
14 the person revokes that election.

15          **SECTION 4.** 756.04 (6) (c) of the statutes is created to read:

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1           756.04 (6) (c) 1. The juror qualification form shall be accompanied by a notice  
2 that any person who is at least 70 years of age may elect to be excused from jury  
3 service. The notice shall include all of the following:

4           a. An option for the person to elect to be excused from jury service for the jury  
5 year.

6           b. An option for the person to elect to be excused from jury service for the jury  
7 year and from all future jury service.

8           c. Instructions informing the person that, if the person is at least 70 years of  
9 age, the person may make an election under subd. 1. a. or b. by returning the notice  
10 with the person's election to the clerk of circuit court along with the juror  
11 qualification form.

12           d. A notice that, by making an election under subd. 1. a. or b., the person  
13 declares to the best of the person's knowledge that the person is at least 70 years of  
14 age.

15           e. A notice that a person may revoke an election made under sub. 1. a. or b. by  
16 notifying the office of the director of state courts of the revocation.

17           2. Notwithstanding subd. 1., the clerk of circuit court is not required to send  
18 the notice under subd. 1. to a prospective juror that the clerk has reason to believe  
19 is less than 70 years of age.

20           **SECTION 5.** 756.04 (6) (dm) of the statutes is amended to read:

21           756.04 (6) (dm) If a prospective juror is unable to fill out the juror qualification  
22 form mailed to the prospective juror under par. (am) ~~and~~ to (cm), another person may  
23 complete the form and shall indicate why the person has done so. If it appears that  
24 there is an omission, ambiguity, or error in a returned form, the clerk of circuit court

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1 shall return the form to the person with instructions to correct and return the form  
2 to the clerk of circuit court within 10 days after receiving the form.

3 **SECTION 6.** 756.04 (7) of the statutes is created to read:

4 756.04 (7) The clerk of circuit court shall notify the office of the director of state  
5 courts of all prospective jurors who elect to be excused from jury service under sub.  
6 (6) (c) 1. b.

7 **SECTION 7.** 756.04 (9) (a) of the statutes is amended to read:

8 756.04 (9) (a) During each year, the clerk of circuit court shall provide the court  
9 with a sufficient number of names of prospective jurors to meet the needs of the court.  
10 To create a jury array, the clerk of circuit court shall strike from the list provided by  
11 the office of the director of state courts under sub. (3m) the name of any person whose  
12 returned juror qualification form shows that the person is not qualified for jury  
13 service under s. 756.02 and the name of any person who elects to be excused from jury  
14 service under sub. (6) (c).

15 **SECTION 8. Initial applicability.**

16 (1) The treatment of s. 756.03 (1) (b) first applies to a person summoned for jury  
17 service on the effective date of this subsection.

18 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
19 except as follows:

20 (1) The treatment of s. 756.04 (2) (g), (6) (c), (7), and (9) (a) takes effect on the  
21 first day of the 3rd month beginning after publication.

22 (END)