

# 1999 ASSEMBLY JOINT RESOLUTION 39

March 23, 1999 – Introduced by Representatives GOETSCH, LADWIG, KAUFERT, ALBERS, PORTER, F. LASEE, SERATTI, KLUSMAN, KESTELL, GUNDERSON, SKINDRUD, OWENS, MUSSER, SPILLNER and POWERS, cosponsored by Senators HUELSMAN, DARLING, FARROW, FITZGERALD and BAUMGART. Referred to Committee on Judiciary and Personal Privacy.

1     **To amend** section 7 of article VII of the constitution; **relating to:** authorizing the  
2           legislature to provide for 6–member juries in misdemeanor cases (first  
3           consideration).

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### *Analysis by the Legislative Reference Bureau*

The Wisconsin Supreme Court held, in *State v. Hansford*, 219 Wis. 2d 226, 580 N.W. 2d. 171 (1998), that a statute providing for six–member juries in misdemeanor cases violated the Wisconsin Constitution because the court interpreted the Wisconsin Constitution as requiring a 12–member jury in all criminal cases, not just in felony cases. This proposed constitutional amendment, proposed to the 1999 legislature on first consideration, authorizes the legislature to provide for six–member juries in misdemeanor cases.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

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4           **Resolved by the assembly, the senate concurring, That:**  
5           **SECTION 1.** Section 7 of article I of the constitution is amended to read:  
6           [Article I] Section 7. In all criminal prosecutions the accused shall enjoy the  
7           right to be heard by himself and counsel; to demand the nature and cause of the  
8           accusation against him; to meet the witnesses face to face; to have compulsory

1 process to compel the attendance of witnesses in his behalf; and in prosecutions by  
2 indictment, or information, to a speedy public trial by an impartial jury of the county  
3 or district wherein the offense shall have been committed; which county or district  
4 shall have been previously ascertained by law. The legislature may by statute  
5 provide that a jury in a misdemeanor case shall consist of 6 persons.

6 ***Be it further resolved, That*** this proposed amendment be referred to the  
7 legislature to be chosen at the next general election and that it be published for 3  
8 months previous to the time of holding such election.

9 (END)