

**1999 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 11/17/98

Received By: **dykmapj**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**

By/Representing: **Kent Vernon**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters: **olsenje**

Subject: **Constitutional Amendments  
Courts - miscellaneous**

Extra Copies: **JEO  
RPN  
RAC**

**Pre Topic:**

No specific pre topic given

**Topic:**

6-person juries in misdemeanor trials

**Instructions:**

permit 6-person juries in misdemeanor trials

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	dykmapj 02/17/99	jgeller 02/17/99	hhagen 02/18/99	_____	lrb_docadmin 02/18/99		
				_____	lrb_docadmin 02/18/99		
/1	dykmapj 02/19/99	jgeller 02/19/99	martykr 02/22/99	_____	lrb_docadmin 02/22/99	lrb_docadmin 02/24/99	

FE Sent For:

<END>

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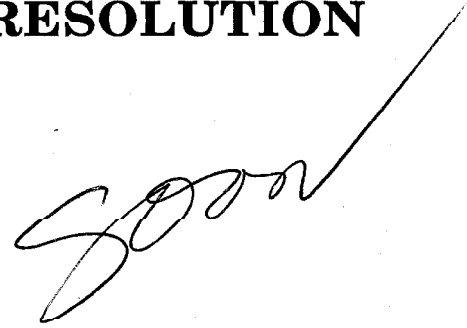
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		1 2/19 JLG	H2/19	HH/2/22			

FE Sent For:

<END>

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**1999 ASSEMBLY JOINT RESOLUTION**



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).

---

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

The Wisconsin Supreme Court held, in *State v. Hansford*, 219 W (2d) 226, 580  
NW (2d) 171 (1998), that a statute providing for ~~6~~<sup>Six</sup>-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 ~~6~~<sup>Six</sup>-member  
juries in misdemeanor cases.

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

---

4 ***Resolved by the assembly, the senate concurring, That:***

5 **SECTION 1.** Section 7 of article I<sup>✓</sup> of the constitution is amended to read:

6 [Article I] Section 7.<sup>✓</sup> 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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0896/P1  
PJD&JEO:jg:hmh

↑ stays

1  
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1999 ASSEMBLY JOINT RESOLUTION

run

SPM

N.W. 2d

Wis. 2d

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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

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

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

10 (END)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 2/22/99

**To:** Representative Goetsch

**Relating to LRB drafting number:** LRB-0896

**Topic**

6-person juries in misdemeanor trials

**Subject(s)**

Constitutional Amendments, Courts - miscellaneous

1. **JACKET** the draft for introduction \_\_\_\_\_  
in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the

drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Attorney Peter J. Dykman, Deputy Chief  
Telephone: (608) 266-7098