

State of Wisconsin



2013 Assembly Bill 560

Date of enactment: **March 27, 2014**

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2013 WISCONSIN ACT 164

AN ACT *to repeal* 756.06 (2) (am); and *to amend* 59.40 (2) (j), 756.06 (2) (a), 972.02 (2) and 972.04 (1) of the statutes; **relating to:** juries in criminal cases and contents of registers of officials.

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

SECTION 1. 59.40 (2) (j) of the statutes is amended to read:

59.40 (2) (j) Keep a record called registers of officials and write or copy in the record in tabular form the names of circuit and supplemental court commissioners, deputy sheriffs, ~~notaries public~~ and municipal judges. The clerk shall list the officers' names, the dates of their qualification, and the commencement and termination, if any, of their terms. The names shall be in alphabetical order or there shall be an index in alphabetical order to the names.

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

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

SECTION 3. 756.06 (2) (am) of the statutes is repealed.

SECTION 4. 972.02 (2) of the statutes is amended to read:

972.02 (2) At any time before the verdict ~~in a felony case~~, the parties may stipulate in writing or by statement in open court, on the record, with the approval of the court, that the jury shall consist of any number less than 12. ~~If the case is a misdemeanor case, the jury shall consist of 6 persons.~~

SECTION 5. 972.04 (1) of the statutes is amended to read:

972.04 (1) The number of jurors selected shall be prescribed in s. 756.06 (2) (a) ~~or (am)~~, ~~whichever is applicable~~, unless a lesser number has been stipulated and approved under s. 972.02 (2) or the court orders that additional jurors be selected. That number, plus the number of peremptory challenges available to all the parties, shall be called initially and maintained in the jury box by calling others to replace jurors excused for cause until all jurors have been examined. The parties shall thereupon exercise in their order, the state beginning, the peremptory challenges available to them, and if any party declines to challenge, the challenge shall be made by the clerk by lot.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."