

1981 Assembly Bill 333

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CHAPTER 115 , Laws of 1981

AN ACT to amend 814.22 (title), (1) (intro.), (2) and (3) and 971.22 (3); and to create 971.225 of the statutes, relating to choosing a jury from another county.

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

SECTION 1. 814.22 (title), (1) (intro.), (2) and (3) of the statutes are amended to read:

814.22 (title) What county to pay costs when venue changed or jury selected for use in another county, taxation, certification. (1) (intro.) In all proceedings, including criminal actions, ~~where~~ if a change of venue is had (except in cases where ~~such~~ the change is made because the action was not brought in the proper county), the jury is selected for use in another county under s. 971.225 or when an action, occupying a day or more, is tried outside the county wherein pending, the county in which such the action was commenced shall pay to the county in which the same shall be action is tried or the jury is selected the following expenses arising out of such the change of venue or jury selection:

(2) The clerk shall make out a correct bill of all the expenses which shall accrue under this section and have the ~~same bill~~ taxed and allowed by the presiding judge of such the court; and when so taxed shall transmit the same bill to the county clerk of the county in which said the action was commenced. A county order therefor shall issue in favor of the county, in which any such the action or proceedings were had, or tried or in which the jury was selected.

(3) ~~Wherever~~ If costs are to be taxed against a county, ~~pursuant to the provisions of under this section, the district attorney of the county where the action or proceeding was tried or in which the jury was selected shall serve upon the district attorney of the county sought to be charged with such the expense a copy of such the bill of expenses, together with eight day's 8 days notice of the time and place the same bill will be taxed before the presiding judge of such the court. No such bill of expense shall may be allowed unless such the notice is given or is waived in writing.~~

SECTION 2. 971.22 (3) of the statutes is amended to read:

971.22 (3) If the court determines that there exists in the county where the action is pending such prejudice that a fair trial cannot be had, it shall order that the trial be held in any county where an impartial trial can be had. Only one change may be granted under this subsection. The judge who orders the change in the place of trial shall preside at the trial. Preliminary matters prior to trial may be conducted in either county at the discretion of the court. The judge shall determine where the defendant, if he or she is in custody, shall be held and where the record shall be kept. If the criteria under s. 971.225 (1) (a) to (c) exist, the court may proceed under s. 971.225 (2).

SECTION 3. 971.225 of the statutes is created to read:

971.225 Jury from another county. (1) In lieu of changing the place of trial under s. 971.22 (3), the court may require the selection of a jury under sub. (2) if:

(a) The court is required or has decided to sequester the jurors after the commencement of the trial, as provided in s. 972.12;

(b) There are grounds for changing the place of trial under s. 971.22 (1); and

(c) The estimated costs to the county appear to be less using the procedure under this section than using the procedure for holding the trial in another county.

(2) If the court decides to proceed under this section it shall follow the procedure under s. 971.22 until the jury is chosen in the 2nd county. At that time, the proceedings shall return to the original county using the jurors selected in the 2nd county. The original county shall reimburse the 2nd county for all applicable costs under s. 814.22.
