

1981 Assembly Bill 241

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CHAPTER 358 , Laws of 1981

AN ACT to amend 805.13 (title) and (2) and 972.10 (1) of the statutes, relating to note taking by jurors.

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

SECTION 1. 805.13 (title) and (2) of the statutes are amended to read:

805.13 (title) Jury instructions; note taking; form of verdict.

(2) (title) PRELIMINARY INSTRUCTIONS AND NOTE TAKING. (a) After the trial jury is sworn, the court shall determine if the jurors may take notes of the proceedings:

1. If the court authorizes note-taking, the court shall instruct the jurors that they may make written notes of the proceedings, except the closing arguments, if they so desire and that the court will provide materials for that purpose if they so request. The court shall stress the confidentiality of the notes to the jurors. The jurors may refer to their notes during the proceedings and deliberation. The notes may not be the basis for or the object of any motion by any party. After the jury has rendered its verdict, the court shall ensure that the notes are promptly collected and destroyed.

2. If the court does not authorize note-taking, the court shall state the reasons for the determination on the record.

(b) The judge court may give additional preliminary instructions to the jury which instructions may again be given in the charge at the close of the evidence.

SECTION 2. 972.10 (1) of the statutes is amended to read:

972.10 (1) (a) After the selection of a jury, the court shall determine if the jurors may take notes of the proceedings:

1. If the court authorizes note-taking, the court shall instruct the jurors that they may make written notes of the proceedings, except the closing arguments, if they so desire and that the court will provide materials for that purpose if they so request. The court shall

stress the confidentiality of the notes to the jurors. The jurors may refer to their notes during the proceedings and deliberation. The notes may not be the basis for or the object of any motion by any party. After the jury has rendered its verdict, the court shall ensure that the notes are promptly collected and destroyed.

2. If the court does not authorize note-taking, the court shall state the reasons for the determination on the record.

(b) The court may instruct it as to its give the jurors additional instructions as to their duties. Such general The additional instructions shall be furnished the parties before they are given and either party may object to any specific instruction or propose instructions of its own to be given prior to trial.
