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## **1995 SENATE BILL 335**

September 19, 1995 – Introduced by Senator Clausing, cosponsored by Representatives Grothman, Hahn, Ziegelbauer, Lorge, Plombon, Rutkowski, Seratti, Robson and Wilder. Referred to Committee on Judiciary.

- AN ACT to renumber 814.51; to amend 814.61 (4); and to create 814.51 (2) of
- 2 the statutes; **relating to:** allowing a court to refund jury fees in civil cases.

## Analysis by the Legislative Reference Bureau

Under current law, a court has the authority to assess the entire cost of one day's juror fees, including mileage, against either party or equally against both parties if a jury demand has been made and that demand is withdrawn within 2 days before the commencement of the trial. This bill gives the court the additional authority in civil cases to refund part or all of the juror costs, including mileage, if a jury demand has been made and the court dismisses the case or the court finds in favor of the party that demanded the jury.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 3 **Section 1.** 814.51 of the statutes is renumbered 814.51 (1).
- **Section 2.** 814.51 (2) of the statutes is created to read:
- 5 814.51 (2) The court shall have discretionary authority in any civil action or
- 6 proceeding triable by jury to refund part or the entire cost of the juror fees under ss.
- 7 756.25 (1) and 814.61 (4), including all mileage costs, if a jury demand has been made
- 8 in the case and if the court dismisses the case or if the court enters a judgment in
- 9 favor of the party that demanded the jury.

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| 1 | SECTION 3. | 814.61 | (4) of the | statutes is | amended | to read: |
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814.61 (4) JURY FEE. For a jury in all civil actions, except a garnishment action under ch. 812, a nonrefundable fee of \$6 per juror demanded to hear the case to be paid by the party demanding a jury within the time permitted to demand a jury trial. If the jury fee is not paid, no jury may be called in the action, and the action may be tried to the court without a jury.

## SECTION 4. Initial applicability.

(1) This act first applies to juries demanded on the effective date of this subsection.

10 (END)