



1997 ASSEMBLY BILL 499

September 2, 1997 - Introduced by Representatives JOHNSRUD, GOETSCH, SYKORA, POWERS, AINSWORTH and SERATTI, cosponsored by Senator RUDE. Referred to Committee on Judiciary.

1 **AN ACT** *to repeal and recreate* 756.28 (2); and *to create* 756.28 (1m) of the
2 statutes; **relating to:** availability for juror service.

Analysis by the Legislative Reference Bureau

Under current law, counties may establish a system that prevents a person summoned to serve as a juror from serving for more than one day in a specified period, unless more time is necessary to complete juror service in a particular case. The specified period may not be less than 2 years nor more than 4 years. If that system is established in the county, a juror whose deliberation ends with a verdict may not be required to participate in a 2nd trial even though the juror may not have completed the first day of juror service at the time that the 2nd trial starts. Current law also provides that if a county does not establish this "one-day or one-trial" system, a person in that county may be required to be available for service as a juror only once in a 4-year period, for up to 31 consecutive days. That person, under current law, may not be required to serve as a juror for a total of more than 5 days, unless more days are necessary to complete service in a particular case.

This bill provides that in counties with a population of under 25,000 that do not establish the "one-day or one-trial" system, a person may be required to be available to serve as a juror only once in a 2-year period, for up to 6 months. That person, under this bill, may not be required to serve as a juror for a total of more than 5 days, unless more days are necessary to complete service in a particular case or unless a majority of the judges in that county adopt a rule setting a longer period that does not exceed 10 days. Under the bill, if a county with a population of 25,000 or more does not establish the "one-day or one-trial" system, the current limit of being available to

ASSEMBLY BILL 499

serve as a juror only once in a 4-year period, for not to exceed 31 consecutive days, with a 5-day maximum on a jury, applies.

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

1 **SECTION 1.** 756.28 (1m) of the statutes is created to read:

2 756.28 **(1m)** GENERAL 2-YEAR ELIGIBILITY. In a county with a population of under
3 25,000 that does not establish a system under sub. (1), a person may be summoned
4 under s. 756.05 to serve as a petit juror during a period not exceeding 6 months in
5 any 2-year period. During the period in which a person may be summoned, the
6 person may not be required to serve or attend court for prospective service as a petit
7 juror for a total of more than 5 days of actual court attendance unless more days are
8 necessary to complete service in a particular case or unless a majority of the judges
9 of courts of record for the county adopt by rule a longer time period that does not
10 exceed 10 days.

11 **SECTION 2.** 756.28 (2) of the statutes, as affected by 1995 Supreme Court Order
12 95-11 and 1996 Supreme Court Order 96-08, is repealed and recreated to read:

13 756.28 **(2)** GENERAL 4-YEAR ELIGIBILITY. In a county with a population of 25,000
14 or more that has not established a system under sub. (1), a person may be required
15 to be available for service as a petit juror only once in any 4-year period. The period
16 for which any person may be required to be available for service may not exceed 31
17 consecutive days. No person may be required to serve, or attend court for prospective
18 service, as a juror for a total of more than 5 days unless more days are necessary to
19 complete service in a particular case.

20

(END)