

State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 294

August 20, 2013 - Introduced by Representatives Kessler, Young, C. Taylor, Ohnstad, Sinicki, Berceau and Wachs. Referred to Committee on Judiciary.

- 1 AN ACT to repeal 972.02 (2); and to amend 756.06 (2) (a) and 972.04 (1) of the
- 2 statutes; **relating to:** the number of jurors in felony cases.

Analysis by the Legislative Reference Bureau

Under current law, a defendant in a criminal case is entitled to have his or her case decided by a jury, unless he or she opts to have his or her case decided by the judge. Generally, a jury in criminal case consists of 12 persons. However, under current law, a defendant charged with a felony may agree, before a verdict is rendered, to have his or her case decided by a smaller number of jurors.

Under this bill, a jury in a criminal case must consist of 12 persons. The bill removes the option for a defendant charged with a felony to have his or her case decided by a smaller number of jurors.

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- 3 **Section 1.** 972.02 (2) of the statutes is repealed.
- **SECTION 2.** 756.06 (2) (a) of the statutes is amended to read:
- 5 756.06 (2) (a) A jury in a felony case shall consist of 12 persons unless both
- 6 parties agree on a lesser number as provided in s. 972.02.

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Section 3. 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.

11 (END)