

No. 501, S.]

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CHAPTER 280

AN ACT to repeal 255.02 (8) and (9), 255.025, 255.11, 255.13, 255.14, 255.15, 255.16 and 255.20; to renumber 255.21, 255.23, 255.25, 255.26, 255.28, 255.29, 255.30, 255.31 and 255.32; to renumber and amend 255.18, 255.19, 255.22, 255.24 and 255.27; to amend 255.01, 255.02 (2), (3) and (6), 255.03 (4), 255.04 (1) to (4), 255.05, 255.07, 255.08 and 255.09; to repeal and recreate 255.04 (5); and to create 255.02 (7), 255.04 (6), 255.10 and 255.18 of the statutes, relating to jurors.

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

SECTION 1. 255.01 of the statutes is amended to read:

255.01 *Persons (1) who are citizens of the United States, (2) who are electors of this state, (3) who are possessed of their natural faculties, (4) who are not infirm, (5) who are esteemed in their communities as of good character and sound judgment, * * * (6) who are able to read and write the English language understandingly, and (7) who * * **

have not been summoned as grand or petit jurors in the same county within 2 years of the end of the last term during which such person was summoned as a juror, shall be liable to be drawn as grand or petit jurors.

SECTION 2. 255.02 (2), (3) and (6) of the statutes are amended to read:

255.02 (2) Attorneys * * * at law; practicing physicians; surgeons; dentists; ministers of the gospel or of any religious society; the president and cashier of any state or national bank.

(3) The president, professors and instructors of the * * * universities and their assistants; and of the several colleges and incorporated academies; teachers in normal, public or private schools.

(6) Telegraph operators, superintendents, conductors, collectors, engineers, firemen, brakemen, and station agents of any railroad * * * or express * * * company, while in actual regular employment as such * * *.

SECTION 3. 255.02 (7) of the statutes is created to read:

255.02 (7) Any person over 65 upon his request to the court or judge, or upon the judge's own motion.

SECTION 4. 255.02 (8) and (9) of the statutes are repealed.

SECTION 5. 255.025 of the statutes is repealed.

SECTION 6. 255.03 (4) of the statutes is amended to read:

255.03 (4) The commissioners shall meet * * * at such * * * times as the * * * discharge of their duties requires and at such times as the appointing judge or judges or any of them shall direct. Two commissioners shall constitute a quorum. They may subpoena any person to appear before them within the town, village or city wherein such person resides for examination as to any person's qualifications for jury service, and may compel the person to give testimony under oath. The commissioners may investigate by inquiries at any person's place of business, residence, or elsewhere, or by other means, his reputation, character and fitness for jury service. * * * All public officers and employes shall furnish the commissioners, upon their request, such records and assistance as the commissioners deem proper to perform their duties.

SECTION 7. 255.04 (1) to (4) of the statutes are amended to read:

255.04 (1) Petit jurors for all * * * courts of record when exercising civil or criminal jurisdiction shall be drawn and obtained as prescribed in * * * ss. * * * 255.04 to 255.07; but * * * these sections shall not apply to any court for which the method of drawing jurors is prescribed by any special or local law applicable to it, to the extent that such special or local law is in conflict with ss. 255.04 to 255.07.

(2) (a) The commissioners shall annually before the first Monday in April provide for each court covered by sub. (1), unless the judge or judges thereof otherwise order, one list of not less than 300 nor more than 500 names of persons to be drawn from the county and apportioned as * * * nearly as practicable among towns, villages and wards of cities thereof in proportion to population according to the last national census, to serve as petit jurors * * *. * * * The commissioners may, from time to time, revise said list by striking from it the names of persons found by them to be * * * ineligible for jury service, and to add thereto the names of additional persons as provided in s. 255.05. Such list shall be * * * certified by the commissioners as having been prepared in strict conformity with the statutes thereto appertaining.

(b) A * * * certified copy of such list, containing the address and occupation of each person named therein shall be furnished to the * * * clerk of the * * * court for which drawn, to be kept by * * * him for the use of the court and for public inspection. The name of each person listed shall be written by a commissioner on separate cards of like weight, size and color and measuring not more than one by 3 inches. * * * All cards shall be placed in separate opaque envelopes of like weight, size and color and only large enough to admit the cards. The commissioners shall provide a master tumbler * * * into which all the cards shall be placed. Such tumbler shall have but one opening, * * * and shall be kept locked at all times, except when the list is being revised or when the jury panel is being drawn therefrom. Such tumbler shall be kept secure * * * by the clerk of the court against unauthorized entry therein.

(3) At least 15 and not more than 30 days before the sitting of any court at which a jury is required to attend, the clerk thereof shall in the presence of * * * at least 2 of the commissioners draw 36 names from such tumbler. * * * Before * * * each name is drawn, the tumbler shall be rotated * * *. The clerk shall read each name aloud when drawn * * * and pass the card on which it appears to * * * the commissioners, who shall then cause the name to be written, together with the person's address and occupation, in the order in which it was drawn, upon a panel list provided for that purpose, at the bottom of which the commissioners shall certify that the drawing

was in accordance with law. *In like manner* the clerk shall then draw the names of 18 additional persons, * * * to be recorded * * * upon a reserve-panel list. They shall be summoned in the order in which their names appear on the reserve-panel list in the event and to the extent that the regular panel is inadequate. When summoned, they shall become a part of the regular panel. * * * Such regular and reserve-panel lists shall be kept by the commissioners; and a * * * *signed duplicate* thereof shall be furnished the clerk of the court.

(4) No advertisement of the drawing need to be given, but the clerk shall fix the date of the drawing and give 5 days notice thereof to the commissioners * * *. * * * If any court * * * is held by more than one judge * * * they may by order provide the length of service, and the number in which the jurors shall be required to serve in the different branches of such court.

SECTION 8. 255.04 (5) of the statutes is repealed and recreated to read:

255.04 (5) If any person whose name appears on a reserve-panel list is not summoned as a juror at the term for which drawn the card containing the name of such person shall be returned to the tumbler by the clerk at the end of the term and the jury commissioners shall be notified thereof.

SECTION 9. 255.04 (6) of the statutes is created to read:

255.04 (6) In any county in which jury trials are held in more than one court of record, the judges of any 2 or more such courts (or the senior judges thereof in the case of courts having more than one judge) may by joint order direct that the jury lists, panel lists, and reserve-panel lists of their respective courts, or any one or more of such lists, be combined, and that the number of names on the combined list be as specified in the order. The order shall designate the clerk of one of the participating courts as the officer to issue venire under s. 255.08, with such modifications of time of issuance and time of appearance as are suitable to the needs of the respective courts. The order may be modified from time to time or revoked by the same authority by which it was promulgated.

SECTION 10. 255.05 of the statutes is amended to read:

255.05 Whenever * * * *after the expiration of the time prescribed for the drawing of petit jurors for the next regular term or during any term of court there* * * * is a partial or entire absence of jurors of the regular * * * or reserve-panel or both, from any cause whatever, * * * or whenever it becomes apparent to the court or the trial judge that the regular panel *and the reserve-panel as drawn* will not be sufficient to provide a jury for a particular cause to be tried at the current or next term of court, the court or judge may * * * order the clerk, *in his presence*, to draw * * * *immediately from the tumbler* a sufficient * * * number * * * of names, specifying the number, to fill the regular panel or a less or larger number as the public interest and the condition and character of the business shall require. Whenever the list of names furnished any such court * * * has been depleted the commissioners shall supply other names so that there will * * * not be less than 150 nor more than 500 names in the tumbler at the time any drawing of jurors takes place. Such names shall be written on * * * cards which shall be placed in envelopes and put into the tumbler as hereinbefore provided.

SECTION 11. 255.07 of the statutes is amended to read:

255.07 Any * * * court or the presiding judge thereof may, whenever it seems proper * * *, excuse any juror temporarily or for the term; and having regard to the length of the term and an equitable distribution of the duties of jurors, the court may excuse any panel or number of jurors after a service of 2 weeks or more and order another panel or additional jurors to be drawn in the manner specified in s. 255.05 to complete the business of the term.

SECTION 12. 255.08 of the statutes is amended to read:

255.08 The clerk shall, at least 12 days before the first day of the * * * term or at least 12 days before the first day on which a jury is required to be present, issue and deliver to the sheriff * * * of said county a venire for the petit jury, under the seal of the court, commanding him to summon the persons so drawn as jurors to appear before the said court at * * * 10 o'clock in the forenoon on the first day of the term thereof or at such other time as * * * has been fixed by the presiding judge of said court, to serve as petit jurors. And when ordered to draw a grand jury, as provided by law, he shall in like manner issue and deliver a venire commanding the sheriff * * * to summon the persons so drawn as grand jurors to appear before the said court at the time specified in the order * * *.

SECTION 13. 255.09 of the statutes is amended to read:

255.09 The sheriff * * * shall summon the persons named in such venires to attend such court as grand or petit jurors, as the case may be, by giving personal notice to

each person or by leaving a written notice at his place of residence with some person of proper age or by sending a written notice to each person by registered mail. He shall return such venire to the court at the opening thereof, specifying those who were summoned and the manner in which each person was notified. Petit jurors *on the regular panel and grand jurors* shall be summoned at least 4 days before the sitting of the court. *Petit jurors on the reserve-panel and additional petit and grand jurors drawn* shall be summoned within such time as the court shall direct and all special venires shall be executed by the officer to whom delivered according to the command thereof.

SECTION 14. 255.10 of the statutes is created to read:

255.10 GRAND JURY. (1) SELECTION OF GRAND JURY LIST. Any judge may in writing order the jury commissioners to select a grand jury list within a specified reasonable time. The commissioners shall select, as provided in s. 255.04, the names of not less than 75 nor more than 150 persons to constitute such list. They shall notify the judge in writing within the time fixed in the order that they have complied therewith. They shall keep the list secret.

(2) SELECTION OF GRAND JURY PANEL. If the judge in writing orders the commissioners to draw a grand jury, the commissioners shall write on a separate card, the name of each person on the jury list, enclose each card in a separate opaque envelope, and place the envelopes in a tumbler as provided in s. 255.04. At the time fixed in the order 36 names shall be drawn as names are drawn for panels of petit jurors and such 36 names shall constitute the grand jury panel. The judge shall order the panel members to be summoned as provided in s. 255.04. The commissioners shall furnish the judge a copy of the names on the panel.

(3) EXAMINATION OF PANEL. At the time set for the panel to appear the judge shall and the district attorney or other prosecuting officer may examine the panel members under oath relative to their qualifications to serve as grand jurors and the judge shall excuse those who are disqualified or claim lawful exemptions, and may excuse others for any reason which seems proper to the judge.

(4) ADDITIONAL PANEL MEMBERS. If after such examination less than 20 panel members remain, additional names shall be drawn, summoned and examined as aforesaid. The number so drawn shall be 3 times the difference between 20 and the number remaining on the panel. This method shall be continued until there are at least 20 qualified members on the panel.

(5) DRAWING GRAND JURORS FROM PANEL. The cards with the names of all qualified panel members shall be deposited in a tumbler and the clerk shall draw, as provided in s. 255.04 (3), the names of 17 persons to constitute the grand jury.

(6) TIME GRAND JURORS TO SERVE. Grand jurors shall serve during the current term of court. The judge may order them to continue during the following term, but for no longer period. The judge may discharge the grand jury at any time.

(7) ORDERS FILED WITH CLERK. All orders mentioned in this section shall be filed with the clerk of court.

SECTION 15. 255.11, 255.13, 255.14, 255.15 and 255.16 of the statutes are repealed.

SECTION 16. 255.18 of the statutes is renumbered 255.13 and amended to read:

255.13 REPORTER; OATH; SALARY; ASSISTANT. (1) Every grand jury shall * * * when ordered by the judge ordering such grand jury, * * * employ *one or more* * * * competent * * * reporters to attend * * * their sessions and to * * * make and transcribe a verbatim record of all proceedings had before them * * *.

(2) Before assuming the duties herein prescribed * * * each reporter shall make and file an oath faithfully to * * * record and transcribe all the proceedings before such grand jury and to keep * * * secret the matters relative to such proceedings. He shall be paid out of the county treasury of the county in which the service is rendered such sum *for his compensation and expenses* as shall be audited and allowed *as reasonable* by the court ordering said grand jury * * *. * * * Each reporter may * * * employ *on his own account* the assistance of a competent * * * typist to transcribe the testimony and proceedings of * * * the grand jury, but before entering upon his duties hereunder such * * * typist shall be required to make and file an oath similar to that required of * * * each reporter. * * *

SECTION 17. 255.18 of the statutes is created to read:

255.18 PROCEDURE UPON DISCHARGE OF GRAND JURY. When the grand jury is discharged the clerk shall collect all transcripts of testimony, minutes of proceedings, exhibits and other records of the grand jury, and deliver them as the jury directs either to the attorney-general or to the district attorney, or upon approval of the court de-

liver them to the clerk of the court who shall impound them subject to the further order or orders of the court.

SECTION 18. 255.19 of the statutes is renumbered 255.11 and is amended to read:

255.11 * * * *The judge shall administer the following oath * * * to grand jurors before they begin performance of their duties: You, as grand jurors * * * for the * * * county of, do solemnly swear (or affirm, as the case may be) that you will diligently inquire * * * as to all * * * matters and things * * * which come before this grand jury; that you will keep all matters which come before this grand jury secret; that you * * * will indict no man for envy, hatred or malice, neither * * * will you leave any man * * * unindicted for love, fear, favor, affection or hope of reward; * * * and that you * * * will indict truly, * * * according to the best of your understanding; so help you God. * * * The clerk of court shall deliver forthwith to each grand juror a copy of such oath.*

SECTION 19. 255.20 of the statutes is repealed.

SECTION 20. 255.21 of the statutes is renumbered 255.14.

SECTION 21. 255.22 of the statutes is renumbered 255.12 and amended to read:

255.12 FOREMAN AND CLERK. The grand jury * * * shall select from their number * * * a foreman and a clerk * * *. The clerk shall preserve the minutes of the proceedings before them * * * and all exhibits.

SECTION 22. 255.23 of the statutes is renumbered 255.15.

SECTION 23. 255.24 of the statutes is renumbered 255.16 and is amended to read:

255.16 ATTENDANCE; ABSENCE; EXCUSE; NUMBER REQUIRED FOR GRAND JURY SESSION; NUMBER REQUIRED TO CONCUR IN INDICTMENT. *Each grand juror shall attend every session of the grand jury unless excused by the foreman. The foreman may excuse a grand juror from attending a grand jury session only for a reason which appears to the foreman in his discretion as good and sufficient cause for such excuse. No business shall be transacted at any session of the grand jury at which less than 14 members of the grand jury are in attendance and no * * * indictment shall be found by any grand jury unless at least 12 of their number shall concur therein.*

SECTION 24. 255.25 and 255.26 of the statutes are renumbered 255.19 and 255.20, respectively.

SECTION 25. 255.27 of the statutes is renumbered 255.21 and amended to read:

255.21 Members of the grand jury and any grand jury reporter may be required by any court to testify whether the testimony of a witness examined before such jury is consistent with or different from the evidence given by such witness before such court; and they may also be required to disclose the testimony given before * * * the grand jury by any person upon a complaint against such person for perjury, or upon his trial for such offense. Any transcript of testimony taken before the grand jury and certified by a grand jury reporter to have been carefully compared by him with his minutes of testimony so taken and to be a true and correct transcript of all or a specified portion of the same, may be received in evidence with the same effect as the oral testimony of such reporter to the facts so certified, but such reporter may be cross-examined by any party as to such matter.

SECTION 26. 255.28, 255.29, 255.30, 255.31 and 255.32 of the statutes are renumbered 255.22, 255.23, 255.24, 255.25 and 255.26, respectively.

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