



2003 ASSEMBLY BILL 484

August 26, 2003 - Introduced by Representatives YOUNG, SINICKI, ZIEGELBAUER, CULLEN, AINSWORTH, ALBERS, GUNDERSON and JESKEWITZ, cosponsored by Senator REYNOLDS. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 17.03 (5) of the statutes; **relating to:** the time at which a public
2 office is vacated after conviction of a disqualifying offense.

Analysis by the Legislative Reference Bureau

Under current law, if an incumbent in a state or local public office is convicted and sentenced by a state or federal court of any of certain offenses specified by law, whether or not the incumbent is sentenced to imprisonment, the incumbent's office is vacated and the vacancy is then filled in the manner provided by law.

This bill provides that, if an incumbent in a state or local public office is convicted by a state or federal court of any of these specified offenses, the incumbent's office is vacated and the vacancy is then filled, even if the incumbent's sentencing has not yet occurred.

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

3 **SECTION 1.** 17.03 (5) of the statutes is amended to read:
4 17.03 (5) ~~Whether or not sentenced to imprisonment, the~~ The incumbent is
5 convicted and sentenced by a state or federal court for treason, felony or other crime
6 of whatsoever nature punishable by imprisonment in any jail or prison for one year

ASSEMBLY BILL 484**SECTION 1**

1 or more, or for any offense involving a violation of the incumbent's official oath. A
2 vacancy so created is not affected by a stay of execution of judgment. Reversal of the
3 judgment, but not a pardon, immediately restores the incumbent to office if the term
4 has not expired and entitles the incumbent to the emoluments of the office for the
5 time the incumbent would have served in the office but for the judgment.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies with respect to judgments of conviction entered on the
8 effective date of this subsection.

9 (END)