

State of Wisconsin



2003 Assembly Bill 120

Date of enactment: **February 6, 2004**
Date of publication*: **February 20, 2004**

2003 WISCONSIN ACT 121

AN ACT *to renumber and amend* 304.078, 973.033 and 973.034; *to amend* 6.03 (1) (b) and 304.078 (title); and *to create* 302.117, 304.078 (1), 304.078 (3), 973.09 (4m) and 973.176 of the statutes; **relating to:** notice regarding ineligibility to vote, resumed eligibility to vote, and notice regarding resumed eligibility to vote.

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

SECTION 1d. 6.03 (1) (b) of the statutes is amended to read:

6.03 (1) (b) Any person convicted of treason, felony or bribery, unless the person's civil rights are right to vote is restored through a pardon or under s. 304.078 (3).

SECTION 1h. 302.117 of the statutes is created to read:

302.117 Notice regarding ineligibility to vote. When an inmate who is disqualified from voting under s. 6.03 (1) (b) is released to parole or extended supervision, the department shall inform the person that he or she may not vote in any election until his or her civil rights are restored.

SECTION 1n. 304.078 (title) of the statutes is amended to read:

304.078 (title) Civil Restoration of civil rights restored to of convicted persons satisfying sentence.

SECTION 1p. 304.078 of the statutes is renumbered 304.078 (2) and amended to read:

304.078 (2) ~~Every~~ Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her

sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person's certificate rights which have been restored and which have not been restored. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights from and after September 25, 1959.

SECTION 1r. 304.078 (1) of the statutes is created to read:

304.078 (1) In this section:

(a) "Imprisonment" includes parole and extended supervision.

(b) "Jailer" has the meaning given in s. 302.372 (1) (b).

SECTION 1t. 304.078 (3) of the statutes is created to read:

304.078 (3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the per-

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

son in writing at the time his or her right to vote is restored under this subsection.

SECTION 2. 973.033 of the statutes is renumbered 973.176 (1), and 973.176 (1) (title), as renumbered, is amended to read:

973.176 (1) (title) ~~SENTENCING; RESTRICTION ON FIRE-ARM~~ FIREARM POSSESSION.

SECTION 3. 973.034 of the statutes is renumbered 973.176 (3), and 973.176 (3) (title), as renumbered, is amended to read:

973.176 (3) (title) ~~SENTENCING; RESTRICTION ON CHILD~~ CHILD SEX OFFENDER WORKING WITH CHILDREN.

SECTION 4. 973.09 (4m) of the statutes is created to read:

973.09 (4m) The department shall inform each probationer who is disqualified from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his or her civil rights are restored.

SECTION 5. 973.176 of the statutes is created to read:

973.176 Notice of restrictions.

(2) VOTING. Whenever a court imposes a sentence or places a defendant on probation for a conviction that disqualifies the defendant from voting under s. 6.03 (1) (b), the court shall inform the defendant that he or she may not vote in any election until his or her civil rights are restored.

SECTION 6. Nonstatutory provisions.

(1) No later than the first day of the 6th month beginning after publication, the department of corrections shall

inform each person who is on probation, parole, or extended supervision on that date and who is disqualified from voting under section 6.03 (1) (b) of the statutes that he or she may not vote in any election until his or her civil rights are restored.

SECTION 7. Initial applicability.

(1) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons whom the department of corrections releases to parole or extended supervision on the effective date of this subsection.

(2) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The treatment of section 973.09 (4m) of the statutes first applies to persons whom the court places on probation on the effective date of this subsection.

(3) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment of sections 973.033 and 973.034 of the statutes and the creation of section 973.176 of the statutes first apply to persons whom the court sentences on the effective date of this subsection.

SECTION 8. Effective date. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 302.117, 973.033, 973.034, and 973.09 (4m) of the statutes, the creation of section 973.176 of the statutes, and SECTION 7, (1), (2), and (3) of this act take effect on the first day of the 3rd month beginning after publication.