

2003 ASSEMBLY BILL 120

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

Analysis by the Legislative Reference Bureau

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

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

7 6.03 **(1)** (b) Any person convicted of treason, felony or bribery, unless the
8 person's civil rights are right to vote is restored through a pardon or under s. 304.078
9 (3).

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

ASSEMBLY BILL 120**SECTION 1h**

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

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

6 **304.078 (title) Civil Restoration of civil rights restored to of convicted**
7 **persons satisfying sentence.**

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

10 **304.078 (2)** ~~Every~~ Except as provided in sub. (3), every person who is convicted
11 of a crime obtains a restoration of his or her civil rights by serving out his or her term
12 of imprisonment or otherwise satisfying his or her sentence. The certificate of the
13 department or other responsible supervising agency that a convicted person has
14 served his or her sentence or otherwise satisfied the judgment against him or her is
15 evidence of that fact and that the person is restored to his or her civil rights. The
16 department or other agency shall list in the person's certificate rights which have
17 been restored and which have not been restored. Persons who served out their terms
18 of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are
19 likewise restored to their civil rights from and after September 25, 1959.

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

21 **304.078 (1)** In this section:

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

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

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

ASSEMBLY BILL 120

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

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

8 973.176 (1) (title) ~~SENTENCING; RESTRICTION ON FIREARM~~ FIREARM POSSESSION.

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

11 973.176 (3) (title) ~~SENTENCING; RESTRICTION ON CHILD~~ CHILD SEX OFFENDER
12 WORKING WITH CHILDREN.

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

14 973.09 (4m) The department shall inform each probationer who is disqualified
15 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his
16 or her civil rights are restored.

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

18 **973.176 Notice of restrictions.**

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

23 **SECTION 6. Nonstatutory provisions.**

24 (1) No later than the first day of the 6th month beginning after publication, the
25 department of corrections shall inform each person who is on probation, parole, or

ASSEMBLY BILL 120**SECTION 6**

1 extended supervision on that date and who is disqualified from voting under section
2 6.03 (1) (b) of the statutes that he or she may not vote in any election until his or her
3 civil rights are restored.

4 **SECTION 7. Initial applicability.**

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

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

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

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

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

21 (END)