

2003 ASSEMBLY BILL 120

March 5, 2003 – Introduced by Representatives FREESE, GUNDERSON, M. LEHMAN, BIES, VRAKAS, HINES, LADWIG, HAHN, STONE, OTT, KESTELL, ALBERS, KREIBICH and F. LASEE, cosponsored by Senators S. FITZGERALD, STEPP and SCHULTZ. Referred to Committee on Campaigns and Elections.

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

Analysis by the Legislative Reference Bureau

Current law requires a court to provide a defendant certain information at sentencing. For example, when a court sentences a person or places a person on probation for a felony, the court must inform the person that he or she is prohibited from possessing a firearm. Under this bill, whenever a court imposes a sentence or places a person on probation for a conviction that disqualifies the person from voting, the court must inform the person of that disqualification. The bill also requires the Department of Corrections to inform the person of the disqualification to vote if the person is or has been placed on probation or released to parole or extended supervision.

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

4 **SECTION 1.** 302.117 of the statutes is created to read:
5 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
6 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended

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1 supervision, the department shall inform the person that he or she may not vote in
2 any election until his or her civil rights are restored.

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

5 973.176 (1) (title) ~~SENTENCING; RESTRICTION ON FIREARM~~ FIREARM POSSESSION.

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

8 973.176 (3) (title) ~~SENTENCING; RESTRICTION ON CHILD~~ CHILD SEX OFFENDER
9 WORKING WITH CHILDREN.

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

11 973.09 (4m) The department shall inform each probationer who is disqualified
12 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his
13 or her civil rights are restored.

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

15 **973.176 Notice of restrictions.**

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

20 **SECTION 6. Nonstatutory provisions.**

21 (1) No later than the first day of the 6th month beginning after publication, the
22 department of corrections shall inform each person who is on probation, parole, or
23 extended supervision on that date and who is disqualified from voting under section
24 6.03 (1) (b) of the statutes that he or she may not vote in any election until his or her
25 civil rights are restored.

ASSEMBLY BILL 120**1 SECTION 7. Initial applicability.**

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

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

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

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

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

18 (END)