

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0920/1dn
MGD:jld:rs

September 15, 2003

The meaning of the phrase “otherwise satisfying his or her sentence” in the first sentence of current s. 304.078, stats., is somewhat unclear. One possible interpretation is that it only covers completing a term of probation or paying a fine or both. But it could also be construed to cover paying restitution, including any amount still owed when the person’s supervision by the Department of Corrections (DOC) ends. I have not been able to find anything in the history of the statute, the history of the restitution statute, or court cases that sheds light on the meaning of that language.

The exception created by this amendment may affect how that language is construed. Specifically, it makes it less likely that it would be interpreted to mean completing a term of probation and nothing more. After all, if that were the meaning of the phrase under current law, the exception created by this amendment would be unnecessary. The possibility of this occurring, however, may be somewhat remote because, arguably, the civil rights that current s. 304.078, stats., covers are few in number. DOC, for example, interprets this statute to cover only the right to vote and the “obligation for jury duty.”

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