

1985 Senate Bill 541

Date of enactment: April 15, 1986  
Date of publication: April 23, 1986

## 1985 Wisconsin Act 252

AN ACT to amend 971.08 (1) (intro.) and (a); and to create 971.06 (3), 971.08 (1) (c) and 971.08 (2) of the statutes, relating to the entry of a plea by a defendant in a criminal action.

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

SECTION 1. 971.06 (3) of the statutes is created to read:

971.06 (3) At the time a defendant enters a plea, the court may not require the defendant to disclose his or her citizenship status.

SECTION 2. 971.08 (1) (intro.) and (a) of the statutes are amended to read:

971.08 (1) (intro.) Before the court accepts a plea of guilty or no contest, it shall do all of the following:

(a) Address the defendant personally and determine that the plea is made voluntarily with understanding of the nature of the charge and the potential punishment if convicted; ~~and~~.

SECTION 3. 971.08 (1) (c) of the statutes is created to read:

971.08 (1) (c) Address the defendant personally and advise the defendant as follows: "If you are not a citizen of the United States of America, you are advised that a plea of guilty or no contest for the offense with which you are charged may result in deportation, the exclusion from admission to this country or the denial of naturalization, under federal law."

SECTION 4. 971.08 (2) of the statutes is created to read:

971.08 (2) If a court fails to advise a defendant as required by sub. (1) (c) and a defendant later shows that the plea is likely to result in the defendant's deportation, exclusion from admission to this country

or denial of naturalization, the court on the defendant's motion shall vacate any applicable judgment against the defendant and permit the defendant to withdraw the plea and enter another plea. This subsection does not limit the ability to withdraw a plea of guilty or no contest on any other grounds.

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