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Kessler Bill Will Require Political, Lobbying Violations to be Tried Where They Occurred

Rep. Kessler "The time has come to remedy this situation."

(MADISON) – State Representative Frederick Kessler today announced that he is once again introducing legislation that will prevent lawmakers and lobbyists, accused of violating elections, ethics or lobbying regulation laws, to be tried in the county in which they reside, rather than the county in which the alleged violations occurred.

“This bill simply applies the same legal procedures every other person accused of a crime faces, to politicians and lobbyists, staff and others involved in politics and lobbying,” said Kessler. “If you violate the law and are facing prosecution, the trial should be in the county in which the alleged violation occurred, not the county from which you were popularly-elected or where you have friends in the right places.”

Kessler introduced similar legislation in the current session, but it never received a public hearing in the Assembly Committee on Judiciary. Kessler said he hopes for a different outcome in the upcoming session.

“This is common sense legislation. Politicians, their staff, lobbyists and others involved in politics should not be treated differently from other citizens when they commit a crime. Right now, under current law, someone alleged to have committed a political or lobbying crime is allowed to be tried in the county where they are known as the softball coach or volunteer or church deacon, or where they were elected by a majority of the people. Every other person accused of a crime is tried where that crime allegedly occurred.”

The change to the venue provisions for elected officials, lobbyists and others occurred soon after former Assembly Speaker Scott Jensen, now a lobbyist, was charged with several violations. “*In February 2007, while Jensen's second appeal was pending, the legislature enacted Wis. Stat. § 971.19(12), which provides that defendants charged with certain violations of, and violations arising from or in relation to, the elections, ethics, and lobbying regulation laws are to be tried in the county where the defendant resides.*” (Wisconsin v. Jensen, 2010, 316 Wis. 2d 377, 762 N.W.2d 833)

“The time has come to remedy this situation,” said Kessler. “I believe this was the beginning of the rampant disregard for the law that eventually led to John Doe investigations involving Governor Walker and others. If you only have to worry about what your friends and neighbors think, and have them judge you, you take more chances knowing you don’t have to worry about a Dane County DA or jury considering the allegations. That is unacceptable and a recipe for disaster.”