



## 1995 SENATE BILL 24

January 24, 1995 - Introduced by Senators DARLING, MOORE, ANDREA, FARROW, PLEWA, COWLES, ROSENZWEIG, A. LASEE, DRZEWIECKI and BUETTNER, cosponsored by Representatives SCHNEIDERS, KRUSICK, FOTI, PLACHE, DUFF, DOBYNS, KREIBICH, OWENS, HUBER, AINSWORTH, SPRINGER, ZUKOWSKI, ZIEGELBAUER, LADWIG, ROBSON, WOOD, CULLEN, WIRCH, MUSSER, HAHN, SILBAUGH, FREESE, WARD, BRANDEMUEHL, OTTE, HUEBSCH, LAZICH, HOVEN, LA FAVE, KRUG, GROBSCHMIDT, ALBERS, TURNER, GUNDERSON, NOTESTEIN, WALKER, VRAKAS, RYBA and OTT. Referred to Committee on Health, Human Services and Aging.

- 1     **AN ACT to create** 48.62 (1) (c) of the statutes; **relating to:** preventing felons from  
2     obtaining a license to operate a foster home or treatment foster home.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, it is an act of employment discrimination to refuse to license an individual based on the individual's conviction record. Currently, however, it is not an act of employment discrimination based on a conviction record to refuse to license an individual who has been convicted of an offense the circumstances of which substantially relate to the circumstances of the particular licensed activity. This bill prohibits the department of health and social services (DHSS), a county department of human services or social services (county department) or a licensed child welfare agency from issuing a license to operate a foster home or treatment foster home to any person who has been convicted of a felony and not pardoned. DHSS, a county department or a licensed child welfare agency may request the department of justice to conduct a criminal history search of any applicant for a foster care or treatment foster care license.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 3     **SECTION 1.** 48.62 (1) (c) of the statutes is created to read:  
4     48.62 (1) (c) Notwithstanding ss. 111.321, 111.322 and 111.335, the  
5     department, a county department or a licensed child welfare agency as provided in

**SECTION 1**

1 s. 48.75 may not issue a license to operate a foster home or a treatment foster home  
2 to any person who has been convicted of a felony and not pardoned. The department,  
3 a county department or a licensed child welfare agency may request the department  
4 of justice to conduct a criminal history search of any applicant for a foster care or  
5 treatment foster care license.

6 **SECTION 2. Initial applicability.**

7 (1) FOSTER CARE AND TREATMENT FOSTER CARE LICENSES. This act first applies to  
8 foster care and treatment foster care licenses issued on the effective date of this  
9 subsection.

10 (END)