



1995 ASSEMBLY BILL 741

December 12, 1995 – Introduced by Representatives KELSO, GROTHMAN, ZUKOWSKI, UNDERHEIM, KAUFERT, SCHNEIDERS, NASS, PLACHE, OLSEN, SILBAUGH, POWERS, AND LADWIG, cosponsored by Senators HUELSMAN and DARLING. Referred to Committee on Labor and Employment.

1 **AN ACT** *to repeal* 111.32 (1), 111.32 (3) and 111.335; *to amend* 38.51 (8) (c) 7.,
2 62.13 (4) (d), 62.50 (5), 63.25 (1) (a), 66.053 (1) (b), 98.145 (3), 98.146 (2), 102.17
3 (1) (c), 111.31 (1), 111.31 (2), 111.31 (3), 111.321, 121.555 (2) (c) 5., 125.04 (5) (a)
4 1., 125.04 (5) (b), 137.01 (1) (b), 139.34 (1) (c) (intro.), 139.37 (1) (c) (intro.),
5 146.50 (6) (a) 1., 343.12 (2) (d), 343.12 (2) (e), 343.64 (3), 343.65 (2), 343.66 (2),
6 343.66 (5), 343.67 (2), 349.25 (2), 440.26 (2) (c), 440.26 (5), 440.26 (6), 440.92 (1)
7 (b) 3., 440.93 (1) (d), 441.04, 441.10 (1), 442.04 (5), 443.06 (1) (a), 443.09 (2),
8 443.11 (1) (f), 443.13, 445.045 (1) (b), 445.095 (1) (a), 446.03 (3), 447.07 (3) (e),
9 448.04 (1) (b) 2., 448.05 (1) (a), 448.53 (1) (c), 448.57 (2) (b), 448.90 (2) (b), 449.05
10 (1) (b), 449.07 (1) (d), 451.04 (2) (c), 451.14 (2) (c), 454.06 (1) (b), 454.15 (2) (d),
11 455.04 (1) (b), 455.04 (4) (b), 455.09 (1) (a), 456.04 (2), 457.26 (2) (b), 458.06 (2)
12 (c), 458.08 (2) (c), 458.26 (3) (d), 459.06 (1), 459.24 (2) (c), 459.24 (3) (c), 459.34
13 (2) (c), 459.46 (2) (c), 459.46 (5) (b) 3., 480.08 (2) (c), 480.08 (3) (c), 480.24 (2) (c),
14 551.34 (1) (c), 563.14 (2), 563.27 (1), 563.27 (2), 563.51 (29) (b) and 569.04 (2);

1 and ***to repeal and recreate*** 146.50 (6) (a) 1. of the statutes; **relating to:** arrest
2 and conviction record discrimination.

Analysis by the Legislative Reference Bureau

Subject to certain exceptions, current law prohibits discrimination in employment, licensing and labor organization membership based on arrest record or conviction record. Those exceptions include the refusal to employ or to license an individual who is subject to a pending criminal charge or who has been convicted of an offense if that charge or offense is substantially related to that particular job or licensed activity, and the refusal to employ or to license an individual who is not bondable because of conviction record if bondability is required by law or established business practice for that job or licensed activity. Under current law, the state may refuse to license an individual, or may suspend, limit or revoke an individual's license, to practice numerous occupations based on arrest record or conviction record, but any refusal to license or any suspension, limitation or revocation of a license is subject to the prohibition against discrimination based on arrest record or conviction record and the exceptions to that prohibition. Occupations in which arrest record or conviction record may be considered include police officer, fire fighter, milk tester, notary public, nurse, certified public accountant, architect, engineer, surveyor, funeral director, doctor, dentist, chiropractor, physical therapist, dietician, optometrist, acupuncturist, psychologist, nursing home administrator, social worker, marriage and family therapist, professional counselor, real estate appraiser, barber, audiologist, auctioneer, securities broker, private detective, security guard, school bus driver, driving instructor, seller of alcohol beverages or cigarettes, and bingo supplier, operator or caller.

This bill eliminates arrest record and conviction record as prohibited bases of discrimination for employment, licensing or labor organization membership.

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

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

3 **SECTION 1.** 38.51 (8) (c) 7. of the statutes is amended to read:

4 38.51 (8) (c) 7. Subject to ss. ~~111.321, 111.322 and 111.335~~, the The applicant
5 has an arrest or conviction record.

6 **SECTION 2.** 62.13 (4) (d) of the statutes is amended to read:

1 62.13 (4) (d) The examination shall be free for all U.S. citizens over 18 and
2 under 55 years of age, with proper limitations as to residence, health and, subject to
3 ~~ss. 111.321, 111.322 and 111.335~~, arrest and conviction record. The examination,
4 including minimum training and experience requirements, shall be job-related in
5 compliance with appropriate validation standards and shall be subject to the
6 approval of the board and may include tests of manual skill and physical strength.
7 All relevant experience, whether paid or unpaid, shall satisfy experience
8 requirements. The board shall control examinations and may designate and change
9 examiners, who may or may not be otherwise in the official service of the city, and
10 whose compensation shall be fixed by the board and paid by the city. Veterans and
11 their spouses shall be given preference points in accordance with s. 230.16 (7).

12 **SECTION 3.** 62.50 (5) of the statutes is amended to read:

13 62.50 (5) EXAMINATIONS. The examinations which the rules and regulations
14 provide for shall be public and free to all U.S. citizens with proper limitations as to
15 residence, age, health and, subject to ~~ss. 111.321, 111.322 and 111.335~~, arrest and
16 conviction record. The examinations shall be practical in their character and shall
17 relate to those matters which fairly test the relative capacity of the candidates to
18 discharge the duties of the positions in which they seek employment or to which they
19 seek to be appointed and may include tests of manual skill and physical strength.
20 The board shall control all examinations and may designate suitable persons, either
21 in the official service of the city or not, to conduct such examinations and may change
22 such examiners at any time, as seems best.

23 **SECTION 4.** 63.25 (1) (a) of the statutes is amended to read:

24 63.25 (1) (a) For open, competitive examinations and for other examinations
25 by which to test applicants for office or for employment as to their practical fitness

1 to discharge the duties of the positions which they desire to fill, which examinations
2 shall be public and free to all persons with proper limitations as to residence, age,
3 health and, ~~subject to ss. 111.321, 111.322 and 111.335,~~ arrest and conviction record.

4 **SECTION 5.** 66.053 (1) (b) of the statutes is amended to read:

5 66.053 (1) (b) No license or permit may be granted to any person, unless to a
6 domestic corporation or domestic limited liability company, not a resident of this
7 state and of the town, village or city in which the license is applied for, nor, ~~subject~~
8 ~~to ss. 111.321, 111.322 and 111.335,~~ to any person who has been convicted of a felony,
9 unless the person has been restored to civil rights.

10 **SECTION 6.** 98.145 (3) of the statutes is amended to read:

11 98.145 (3) To qualify for a milk and cream tester's license the applicant shall
12 not have an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335,~~
13 shall furnish 2 references who have known the applicant for at least one year and
14 shall give proof of ability to perform the necessary duties to the satisfaction of the
15 department by satisfactorily passing a written examination pertaining to milk and
16 cream sampling and care of samples and use of the Babcock test or other test method
17 approved by the department; and by actual demonstration in the laboratory of his
18 or her ability to determine accurately the milk fat content of milk and cream
19 including special emphasis on the handling and testing of composite samples of milk
20 and cream.

21 **SECTION 7.** 98.146 (2) of the statutes is amended to read:

22 98.146 (2) Each application for a license under this section or license renewal
23 shall be made on forms provided by the department and shall be accompanied by the
24 license fee required under sub. (4). The license shall expire biennially on September
25 30 of the 2nd year commencing after the date of issuance or renewal. The applicant

1 shall not have an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and~~
2 ~~111.335~~, and shall give proof of ability to engage in such weighing and sampling to
3 the satisfaction of the department by satisfactorily passing a written examination
4 pertaining to such activities. If the department conducts a reinspection of any
5 measurement by a person licensed under this subsection due to any violation of any
6 federal or state law which the department determines in a regularly scheduled
7 inspection of that measurement, the department shall charge the holder of that
8 license the reinspection fee required under sub. (4) for that reinspection.

9 **SECTION 8.** 102.17 (1) (c) of the statutes is amended to read:

10 102.17 (1) (c) Either party shall have the right to be present at any hearing,
11 in person or by attorney, or any other agent, and to present such testimony as may
12 be pertinent to the controversy before the department. No person, firm or
13 corporation other than an attorney at law, duly licensed to practice law in the state,
14 may appear on behalf of any party in interest before the department or any member
15 or employe of the department assigned to conduct any hearing, investigation or
16 inquiry relative to a claim for compensation or benefits under this chapter, unless the
17 person is 18 years of age or older, does not have an arrest or conviction record, ~~subject~~
18 ~~to ss. 111.321, 111.322 and 111.335~~, is otherwise qualified and has obtained from the
19 department a license with authorization to appear in matters or proceedings before
20 the department. The license shall be issued by the department under rules to be
21 adopted by the department. There shall be maintained in the office of the
22 department a current list of persons to whom licenses have been issued. Any license
23 may be suspended or revoked by the department for fraud or serious misconduct on
24 the part of an agent. Before suspending or revoking the license of the agent, the
25 department shall give notice in writing to the agent of the charges of fraud or

1 misconduct, and shall give the agent full opportunity to be heard in relation to the
2 same. The license and certificate of authority shall, unless otherwise suspended or
3 revoked, be in force from the date of issuance until the June 30 following the date of
4 issuance and may be renewed by the department from time to time, but each renewed
5 license shall expire on the June 30 following the issuance thereof.

6 **SECTION 9.** 111.31 (1) of the statutes is amended to read:

7 111.31 (1) The legislature finds that the practice of unfair discrimination in
8 employment against properly qualified individuals by reason of their age, race,
9 creed, color, handicap, marital status, sex, national origin, ancestry, sexual
10 orientation, ~~arrest record, conviction record~~, membership in the national guard,
11 state defense force or any other reserve component of the military forces of the United
12 States or this state or use or nonuse of lawful products off the employer's premises
13 during nonworking hours substantially and adversely affects the general welfare of
14 the state. Employers, labor organizations, employment agencies and licensing
15 agencies that deny employment opportunities and discriminate in employment
16 against properly qualified individuals solely because of their age, race, creed, color,
17 handicap, marital status, sex, national origin, ancestry, sexual orientation, ~~arrest~~
18 ~~record, conviction record~~, membership in the national guard, state defense force or
19 any other reserve component of the military forces of the United States or this state
20 or use or nonuse of lawful products off the employer's premises during nonworking
21 hours deprive those individuals of the earnings that are necessary to maintain a just
22 and decent standard of living.

23 **SECTION 10.** 111.31 (2) of the statutes is amended to read:

24 111.31 (2) It is the intent of the legislature to protect by law the rights of all
25 individuals to obtain gainful employment and to enjoy privileges free from

1 employment discrimination because of age, race, creed, color, handicap, marital
2 status, sex, national origin, ancestry, sexual orientation, ~~arrest record, conviction~~
3 ~~record~~, membership in the national guard, state defense force or any other reserve
4 component of the military forces of the United States or this state or use or nonuse
5 of lawful products off the employer's premises during nonworking hours, and to
6 encourage the full, nondiscriminatory utilization of the productive resources of the
7 state to the benefit of the state, the family and all the people of the state. It is the
8 intent of the legislature in promulgating this subchapter to encourage employers to
9 evaluate an employe or applicant for employment based upon the employe's or
10 applicant's individual qualifications rather than upon a particular class to which the
11 individual may belong.

12 **SECTION 11.** 111.31 (3) of the statutes is amended to read:

13 111.31 (3) In the interpretation and application of this subchapter, and
14 otherwise, it is declared to be the public policy of the state to encourage and foster
15 to the fullest extent practicable the employment of all properly qualified individuals
16 regardless of age, race, creed, color, handicap, marital status, sex, national origin,
17 ancestry, sexual orientation, ~~arrest record, conviction record~~, membership in the
18 national guard, state defense force or any other reserve component of the military
19 forces of the United States or this state or use or nonuse of lawful products off the
20 employer's premises during nonworking hours. Nothing in this subsection requires
21 an affirmative action program to correct an imbalance in the work force. This
22 subchapter shall be liberally construed for the accomplishment of this purpose.

23 **SECTION 12.** 111.32 (1) of the statutes is repealed.

24 **SECTION 13.** 111.32 (3) of the statutes is repealed.

25 **SECTION 14.** 111.321 of the statutes is amended to read:

1 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36,
2 no employer, labor organization, employment agency, licensing agency or other
3 person may engage in any act of employment discrimination as specified in s. 111.322
4 against any individual on the basis of age, race, creed, color, handicap, marital
5 status, sex, national origin, ancestry, ~~arrest record, conviction record~~, membership
6 in the national guard, state defense force or any reserve component of the military
7 forces of the United States or this state or use or nonuse of lawful products off the
8 employer's premises during nonworking hours.

9 **SECTION 15.** 111.335 of the statutes is repealed.

10 **SECTION 16.** 121.555 (2) (c) 5. of the statutes is amended to read:

11 121.555 (2) (c) 5. ~~Notwithstanding ss. 111.321, 111.322 and 111.335, may~~ May
12 not be a person convicted within a 2-year period of reckless driving under s. 346.62
13 or a local ordinance in conformity with s. 346.62 (2) or a law of a federally recognized
14 American Indian tribe or band in this state in conformity with s. 346.62 (2), operating
15 a motor vehicle while operating privileges are suspended or revoked under s. 343.44
16 (1) or a local ordinance in conformity therewith or a law of a federally recognized
17 American Indian tribe or band in this state in conformity with s. 343.44 (1) with
18 respect to operation of a motor vehicle while operating privileges are suspended or
19 revoked, any of the offenses enumerated under s. 343.31 (1) or (2), or 2 or more
20 offenses under s. 346.63 (7) or a local ordinance in conformity therewith or a law of
21 a federally recognized American Indian tribe or band in this state in conformity with
22 s. 346.63 (7), or a conviction under the law of another jurisdiction, as those terms are
23 defined in s. 340.01 (9r) and (41m), respectively, prohibiting reckless or careless
24 driving, as those or substantially similar terms are used in that jurisdiction's laws,
25 or a conviction, suspension or revocation that would be counted under s. 343.307 (2)

1 (a) to (g), or a person convicted within a 5-year period of violating s. 940.09 (1) or
2 940.25. Upon request of the operator or school, the department shall certify whether
3 the operator meets this requirement.

4 **SECTION 17.** 125.04 (5) (a) 1. of the statutes is amended to read:

5 125.04 (5) (a) 1. Do not have an arrest or conviction record, ~~subject to ss.~~
6 ~~111.321, 111.322 and 111.335.~~

7 **SECTION 18.** 125.04 (5) (b) of the statutes is amended to read:

8 125.04 (5) (b) *Criminal offenders.* No license or permit related to alcohol
9 beverages may, ~~subject to ss. 111.321, 111.322 and 111.335,~~ be issued under this
10 chapter to any person who has habitually been a law offender or has been convicted
11 of a felony unless the person has been duly pardoned.

12 **SECTION 19.** 137.01 (1) (b) of the statutes is amended to read:

13 137.01 (1) (b) The secretary of state shall satisfy himself or herself that the
14 applicant has the equivalent of an 8th grade education, is familiar with the duties
15 and responsibilities of a notary public and, ~~subject to ss. 111.321, 111.322 and~~
16 ~~111.335,~~ does not have an arrest or conviction record.

17 **SECTION 20.** 139.34 (1) (c) (intro.) of the statutes is amended to read:

18 139.34 (1) (c) (intro.) Subject to ss. 111.321, and 111.322 and 111.335, no permit
19 under this section may be granted to any person to whom any of the following applies:

20 **SECTION 21.** 139.37 (1) (c) (intro.) of the statutes is amended to read:

21 139.37 (1) (c) (intro.) Subject to ss. 111.321, and 111.322 and 111.335, no permit
22 under this section may be granted to any person who:

23 **SECTION 22.** 146.50 (6) (a) 1. of the statutes is amended to read:

24 146.50 (6) (a) 1. Be 18 years of age or older; be capable of performing the actions
25 authorized under sub. (6m) for an emergency medical technician — basic, an

1 emergency medical technician — intermediate or an emergency medical technician
2 — paramedic, for which licensure is sought; and, ~~subject to ss. 111.321, 111.322 and~~
3 ~~111.335~~, not have an arrest or conviction record.

4 **SECTION 23.** 146.50 (6) (a) 1. of the statutes, as affected by 1993 Wisconsin Act
5 251 and 1995 Wisconsin Act (this act), is repealed and recreated to read:

6 146.50 (6) (a) 1. Be 18 years of age or older; be capable of performing the actions
7 authorized in rules promulgated under sub. (13) (c) for an emergency medical
8 technician — basic, an emergency medical technician — intermediate or an
9 emergency medical technician — paramedic, for which licensure is sought; and not
10 have an arrest or conviction record.

11 **SECTION 24.** 343.12 (2) (d) of the statutes is amended to read:

12 343.12 (2) (d) ~~Notwithstanding ss. 111.321, 111.322 and 111.335~~, has Has not
13 been convicted of reckless driving under s. 346.62 or a local ordinance in conformity
14 with s. 346.62 (2) or a law of a federally recognized American Indian tribe or band
15 in this state in conformity with s. 346.62 (2), operating a motor vehicle while
16 operating privileges are suspended or revoked under s. 343.44 (1) or a local ordinance
17 in conformity therewith or a law of a federally recognized American Indian tribe or
18 band in this state in conformity with s. 343.44 (1) with respect to operation of a motor
19 vehicle while operating privileges are suspended or revoked, any of the offenses
20 enumerated under s. 343.31 (1) or (2), or 2 or more offenses under s. 346.63 (7) or a
21 local ordinance in conformity therewith or a law of a federally recognized American
22 Indian tribe or band in this state in conformity with s. 346.63 (7), or a conviction
23 under the law of another jurisdiction, as those terms are defined in s. 340.01 (9r) and
24 (41m), respectively, prohibiting reckless or careless driving, as those or substantially
25 similar terms are used in that jurisdiction's laws, or a conviction, suspension or

1 revocation that would be counted under s. 343.307 (2), within the 2-year period
2 immediately preceding the date of application. Upon request of the operator or
3 school, the department shall certify whether the operator meets this requirement.

4 **SECTION 25.** 343.12 (2) (e) of the statutes is amended to read:

5 343.12 (2) (e) ~~Subject to ss. 111.321, 111.322 and 111.335, has~~ Has not been
6 convicted of a felony or offense against public morals in this state, including a
7 conviction under the law of a federally recognized American Indian tribe or band in
8 this state for an offense which, if the person had been convicted of the offense under
9 the laws of this state, would have constituted a felony or offense against public
10 morals, or in another jurisdiction, within the past 5 years.

11 **SECTION 26.** 343.64 (3) of the statutes is amended to read:

12 343.64 (3) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The applicant or any
13 officer, director, stockholder, partner or any person directly interested in the business
14 has been convicted of a felony, unless the person so convicted has been duly pardoned;

15 **SECTION 27.** 343.65 (2) of the statutes is amended to read:

16 343.65 (2) The applicant has failed to furnish satisfactory evidence of the facts
17 required of the applicant, has not held a license to drive a motor vehicle within this
18 state for the past year, has not had a driving record satisfactory to the secretary, or,
19 ~~subject to ss. 111.321, 111.322 and 111.335, has been convicted of a felony and has not~~
20 been duly pardoned.

21 **SECTION 28.** 343.66 (2) of the statutes is amended to read:

22 343.66 (2) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The licensee or any
23 partner, member, manager or officer of the licensee has been convicted of a felony;

24 **SECTION 29.** 343.66 (5) of the statutes is amended to read:

1 343.66 (5) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The licensee has
2 knowingly employed, as an instructor, a person who has been convicted of a felony
3 or has retained such a person in such employ after knowledge of his or her conviction;
4 or

5 **SECTION 30.** 343.67 (2) of the statutes is amended to read:

6 343.67 (2) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The licensee has been
7 convicted of a felony;

8 **SECTION 31.** 349.25 (2) of the statutes is amended to read:

9 349.25 (2) No county board may issue a license for any of the vehicles
10 mentioned in sub. (1) unless the applicant does not have an arrest or conviction
11 record, ~~subject to ss. 111.321, 111.322 and 111.335, and until the applicant exhibits~~
12 proof that liability insurance will be in force for the protection of passengers in the
13 minimum amount of \$10,000 for any one passenger and \$50,000 for any single
14 accident. Section 632.24 is applicable to the insurance required under this section,
15 whether the vehicle is a motor vehicle or is propelled in some other manner. The
16 county board shall set the amount for each license issued, not to exceed an amount
17 reasonably related to the actual and necessary cost of providing the license.

18 **SECTION 32.** 440.26 (2) (c) of the statutes is amended to read:

19 440.26 (2) (c) *Approval.* The department shall prescribe, by rule, such
20 qualifications as it deems appropriate, with due regard to investigative experience,
21 special professional education and training and other factors bearing on professional
22 competence. ~~Subject to ss. 111.321, 111.322 and 111.335, no~~ No person convicted of
23 a felony is eligible for a license for 5 years thereafter. The department, in considering
24 applicants for license, shall seek the advice of the appropriate local law enforcement

1 agency or governmental official, and conduct such further investigation, as it deems
2 proper to determine the competence of the applicant.

3 **SECTION 33.** 440.26 (5) of the statutes is amended to read:

4 440.26 (5) EXEMPTIONS; PRIVATE SECURITY PERMIT. This section does not apply to
5 any person employed, directly or indirectly by the state or municipality as defined
6 in s. 345.05 (1) (c), or to any employe of a railroad company under s. 192.47, or
7 employes of commercial establishments, who operate exclusively on their premises.
8 An employe of any licensed agency doing business in this state as a supplier of
9 uniformed security personnel to patrol exclusively on the private property of
10 industrial plants, business establishments, schools, colleges, hospitals, sports
11 stadiums, exhibits and similar activities are exempt from the license requirements
12 of this section while engaged in such employment, if the person obtains a private
13 security permit under this section. The agency shall furnish upon request an
14 up-to-date record of its employes to the chief of police or other local law enforcement
15 official designated by the department for the municipality wherein such activities
16 take place. Such record shall include the name, residence address, date of birth and
17 a physical description of each such employe together with a recent photograph and
18 2 fingerprint cards bearing a complete set of fingerprints of the employe, and, subject
19 to ss. 111.321, 111.322 and 111.335, no. No person shall be eligible for a private
20 security permit who has been convicted in this state or elsewhere of a felony within
21 5 years preceding application. The agency shall notify the chief of police or other
22 designated official in writing within 5 days of any change of the residence address
23 or of the termination of employment of such person. A private security permit shall
24 be issued or denied within 48 hours of application by the chief of police or other
25 designated official. The permit shall remain valid unless for just cause revoked by

1 the chief of police or other designated official issuing the permit for just cause. Upon
2 denial or revocation of a permit, appeal may be taken to the department. The chief
3 of police or other designated official may charge the agency a fee of not more than \$10
4 for issuing the permit.

5 **SECTION 34.** 440.26 (6) of the statutes is amended to read:

6 440.26 (6) DISCIPLINE. Subject to the rules adopted under s. 440.03 (1), the
7 department may reprimand the holder of a license or permit issued under this
8 section or revoke, suspend or limit the license or permit of any person who has been
9 convicted of a crime, ~~subject to ss. 111.321, 111.322 and 111.335, or who~~ has engaged
10 in conduct reflecting adversely on his or her professional qualification, or who has
11 made a false statement in connection with any application for a license or permit
12 under this section.

13 **SECTION 35.** 440.92 (1) (b) 3. of the statutes is amended to read:

14 440.92 (1) (b) 3. ~~Subject to ss. 111.321, 111.322 and 111.335, submits~~ Submits
15 evidence satisfactory to the department that the person does not have a conviction
16 record.

17 **SECTION 36.** 440.93 (1) (d) of the statutes is amended to read:

18 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
19 of an offense the circumstances of which substantially relate to the sale of a cemetery
20 lot, cemetery merchandise or mausoleum space.

21 **SECTION 37.** 441.04 of the statutes is amended to read:

22 **441.04 Requisites for examination as a registered nurse.** Any person
23 who has graduated from a high school or its equivalent as determined by the board,
24 does not have an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and~~
25 ~~111.335,~~ holds a diploma of graduation from an accredited school of nursing and, if

1 the school is located outside this state, submits evidence of general and professional
2 educational qualifications comparable to those required in this state at the time of
3 graduation may apply to the department for licensure by the board as a registered
4 nurse, and upon payment of the fee specified under s. 440.05 (1) shall be entitled to
5 examination.

6 **SECTION 38.** 441.10 (1) of the statutes is amended to read:

7 441.10 (1) PREREQUISITES FOR EXAMINATION AS LICENSED PRACTICAL NURSES. A
8 person who is 18 years of age or older, does not have an arrest or conviction record,
9 ~~subject to ss. 111.321, 111.322 and 111.335~~, has completed 2 years of high school or
10 its equivalent as determined by the board and holds a diploma of graduation from
11 an accredited school for licensed practical nurses approved by that board, may apply
12 to the board for licensing as a licensed practical nurse, and, upon payment of the
13 examination fee specified in s. 440.05 (1), shall be entitled to take an examination.
14 Any school for licensed practical nurses, in order to be accredited, must offer a course
15 of not less than 9 months.

16 **SECTION 39.** 442.04 (5) of the statutes is amended to read:

17 442.04 (5) No certificate as a certified public accountant may be granted to any
18 person other than a person who is 18 years of age or older, who does not have an arrest
19 or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335~~, and who, except as
20 provided in s. 442.05, has successfully passed a written examination in such subjects
21 affecting accountancy as the examining board deems necessary, and who, if the
22 application was made before July 1, 1968, has had at least 3 years of accounting
23 experience, equivalent to that of a senior in public practice. The examining board
24 may accept evidence of sufficient technical education in accountancy in lieu of 1 1/2
25 years of public accounting experience. If the application was after that date and the

1 applicant has had at least 1 1/2 years accounting experience equivalent to that of a
2 senior in public practice, the sufficiency of the experience to be judged by the
3 examining board, the examining board may supplement the written examination by
4 an interview and may use the examination service provided by the American
5 institute of certified public accountants. The examining board shall ensure that
6 evaluation procedures and examinations are nondiscriminatory, relate directly to
7 accountancy and are designed to measure only the ability to perform competently as
8 an accountant.

9 **SECTION 40.** 443.06 (1) (a) of the statutes is amended to read:

10 443.06 (1) (a) Application for registration as a land surveyor or a permit to
11 practice shall be made to the section under oath, on forms prescribed by the
12 examining board and provided by the department, which shall require the applicant
13 to submit such information as the section deems necessary. The section may require
14 applicants to pass written or oral examinations or both. Applicants who do not have
15 an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335,~~ shall be
16 entitled to be registered or issued a permit to practice as land surveyors when
17 satisfactory evidence is submitted that the applicant has met one or more of the
18 requirements of sub. (2).

19 **SECTION 41.** 443.09 (2) of the statutes is amended to read:

20 443.09 (2) ~~Subject to ss. 111.321, 111.322 and 111.335, no~~ No person who has
21 an arrest or conviction record is eligible for registration as an architect, a landscape
22 architect, a professional geologist or a professional engineer, or certification as an
23 engineer-in-training.

24 **SECTION 42.** 443.11 (1) (f) of the statutes is amended to read:

1 443.11 (1) (f) Conviction of a felony, ~~subject to ss. 111.321, 111.322 and 111.335,~~
2 or adjudication of mental incompetency by a court of competent jurisdiction, a
3 certified copy of the record of conviction or adjudication of incompetency to be
4 conclusive evidence of such conviction or incompetency.

5 **SECTION 43.** 443.13 of the statutes is amended to read:

6 **443.13 Disciplinary proceedings against designers of engineering**
7 **systems.** The examining board may limit, suspend or revoke a permit or reprimand
8 the permittee if the permittee is guilty of fraud or deceit in obtaining the permit,
9 gross negligence, incompetency or misconduct in practice, signing documents not
10 prepared by the permittee or under the permittee's control, knowingly aiding or
11 abetting unauthorized designing of engineering systems as stated in s. 443.07 (3) by
12 persons not granted permits under this chapter or conviction of a felony, ~~subject to~~
13 ~~ss. 111.321, 111.322 and 111.335,~~ or adjudication of mental incompetency by a court
14 of competent jurisdiction. If, after a hearing conducted under the rules promulgated
15 under s. 440.03 (1) before the designers' section of the examining board, two-thirds
16 of the members of the section vote in favor of sustaining the charges, the examining
17 board shall reprimand the permittee or limit, suspend or revoke the permit. The
18 action of the examining board is subject to review under ch. 227.

19 **SECTION 44.** 445.045 (1) (b) of the statutes is amended to read:

20 445.045 (1) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, not~~ Not have an
21 arrest or conviction record;

22 **SECTION 45.** 445.095 (1) (a) of the statutes is amended to read:

23 445.095 (1) (a) A person desiring to become an apprentice as a funeral director
24 shall apply on a form provided for the purpose and appear before the examining
25 board, or any duly appointed representative of the examining board. The application

1 shall state that the applicant is 18 years of age or older, holds a high school diploma
2 or possesses equivalent education as defined by the examining board, does not have
3 an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335~~, and has
4 completed one academic year of instruction in a recognized college or university in
5 a course of study approved by the examining board or has equivalent education. The
6 application must be substantiated by the oath of the applicant and be accompanied
7 by the fee specified in s. 440.05 (6). When the examining board is satisfied as to the
8 qualification of an applicant for apprenticeship, it shall issue a certificate of
9 apprenticeship. When the apprentice enters the employment of a licensed funeral
10 director, the apprentice shall immediately notify the examining board, giving the
11 name and place of business of the funeral director whose service the apprentice has
12 entered. If, at any time thereafter, the apprentice leaves the employ of the licensed
13 funeral director whose service the apprentice has entered, the licensed funeral
14 director shall give the apprentice an affidavit showing the length of time served as
15 an apprentice with that employer, and the work done in detail, which affidavit shall
16 be filed with the examining board and made a matter of record in that office. If the
17 apprentice thereafter enters the employ of another licensed funeral director in this
18 state, the applicant shall forthwith report such employment to the examining board.

19 **SECTION 46.** 446.03 (3) of the statutes is amended to read:

20 446.03 (3) Is hereafter convicted in a court of competent jurisdiction, either
21 within or without this state, or in federal court, of any violation of any law governing
22 the practice of chiropractic or of any felony, ~~subject to ss. 111.321, 111.322 and~~
23 ~~111.335~~, a certified copy of the record of conviction to be conclusive evidence of such
24 conviction;

25 **SECTION 47.** 447.07 (3) (e) of the statutes is amended to read:

1 447.07 (3) (e) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
2 of a crime, the circumstances of which substantially relate to the practice of dentistry
3 or dental hygiene.

4 **SECTION 48.** 448.04 (1) (b) 2. of the statutes is amended to read:

5 448.04 (1) (b) 2. An applicant who is a graduate of a foreign medical school and
6 who, because of noteworthy professional attainment, is invited to serve on the
7 academic staff of a medical school in this state as a visiting professor, may be granted
8 a temporary license to practice medicine and surgery if the applicant does not have
9 an arrest or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335.~~ Such
10 license shall remain in force only while the holder is serving full-time on the
11 academic staff of a medical school, and the holder's entire practice is limited to the
12 duties of the academic position. Such license shall expire 2 years after its date of
13 granting and may be renewed at the discretion of the board. The board may require
14 an applicant for licensure under this subdivision to appear before a member of the
15 board for an interview.

16 **SECTION 49.** 448.05 (1) (a) of the statutes is amended to read:

17 448.05 (1) (a) ~~Subject to ss. 111.321, 111.322 and 111.335, not~~ Not have an
18 arrest or conviction record.

19 **SECTION 50.** 448.53 (1) (c) of the statutes is amended to read:

20 448.53 (1) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, submits~~ Submits
21 evidence satisfactory to the affiliated credentialing board that the applicant does not
22 have an arrest or conviction record.

23 **SECTION 51.** 448.57 (2) (b) of the statutes is amended to read:

1 448.57 (2) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
2 of an offense the circumstances of which substantially relate to the practice of
3 physical therapy.

4 **SECTION 52.** 448.90 (2) (b) of the statutes, as created by 1993 Wisconsin Act 443,
5 is amended to read:

6 448.90 (2) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
7 of an offense the circumstances of which substantially relate to the practice of
8 dietetics.

9 **SECTION 53.** 449.05 (1) (b) of the statutes is amended to read:

10 449.05 (1) (b) Unless he or she presents proof satisfactory to the examining
11 board that, ~~subject to ss. 111.321, 111.322 and 111.335,~~ he or she does not have an
12 arrest or conviction record;

13 **SECTION 54.** 449.07 (1) (d) of the statutes is amended to read:

14 449.07 (1) (d) Has been convicted in a court of competent jurisdiction, either
15 within or without this state, of any violation of any law governing the practice of
16 optometry or of any felony, ~~subject to ss. 111.321, 111.322 and 111.335,~~ a certified copy
17 of the record of conviction to be conclusive evidence of such conviction;

18 **SECTION 55.** 451.04 (2) (c) of the statutes is amended to read:

19 451.04 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335,~~ submits Submits
20 evidence satisfactory to the department that he or she does not have an arrest or
21 conviction record.

22 **SECTION 56.** 451.14 (2) (c) of the statutes is amended to read:

23 451.14 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been arrested
24 or convicted of an offense committed while certified as an acupuncturist.

25 **SECTION 57.** 454.06 (1) (b) of the statutes is amended to read:

1 454.06 (1) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The applicant
2 presents evidence satisfactory to the examining board that the applicant has not
3 been convicted of a felony committed while engaged in the practice of barbering or
4 cosmetology.

5 **SECTION 58.** 454.15 (2) (d) of the statutes is amended to read:

6 454.15 (2) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
7 of a felony committed while engaged in the practice of barbering or cosmetology,
8 aesthetics, electrology or manicuring.

9 **SECTION 59.** 455.04 (1) (b) of the statutes is amended to read:

10 455.04 (1) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, not~~ Not have an
11 arrest or conviction record.

12 **SECTION 60.** 455.04 (4) (b) of the statutes is amended to read:

13 455.04 (4) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, not~~ Not have an
14 arrest or conviction record.

15 **SECTION 61.** 455.09 (1) (a) of the statutes is amended to read:

16 455.09 (1) (a) ~~Subject to ss. 111.321, 111.322 and 111.335, is~~ Is a felon.

17 **SECTION 62.** 456.04 (2) of the statutes is amended to read:

18 456.04 (2) ~~Subject to ss. 111.321, 111.322 and 111.335, does~~ Does not have an
19 arrest or conviction record.

20 **SECTION 63.** 457.26 (2) (b) of the statutes is amended to read:

21 457.26 (2) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been convicted
22 of an offense the circumstances of which substantially relate to the practice of social
23 work, marriage and family therapy or professional counseling.

24 **SECTION 64.** 458.06 (2) (c) of the statutes is amended to read:

1 458.06 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The applicant
2 submits evidence satisfactory to the department that he or she does not have an
3 arrest or conviction record.

4 **SECTION 65.** 458.08 (2) (c) of the statutes is amended to read:

5 458.08 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, the~~ The applicant
6 submits evidence satisfactory to the department that he or she does not have an
7 arrest or conviction record.

8 **SECTION 66.** 458.26 (3) (d) of the statutes is amended to read:

9 458.26 (3) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been~~ Been arrested
10 or convicted of an offense the circumstances of which substantially relate to the
11 practice of an appraiser.

12 **SECTION 67.** 459.06 (1) of the statutes is amended to read:

13 459.06 (1) Applicants may obtain a license by successfully passing a qualifying
14 examination, provided the applicant is 18 years of age or older, does not have an
15 arrest or conviction record, ~~subject to ss. 111.321, 111.322 and 111.335,~~ and has an
16 education equivalent to a 4-year course in an accredited high school.

17 **SECTION 68.** 459.24 (2) (c) of the statutes is amended to read:

18 459.24 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335,~~ submits Submits
19 evidence satisfactory to the examining board that he or she does not have a conviction
20 record.

21 **SECTION 69.** 459.24 (3) (c) of the statutes is amended to read:

22 459.24 (3) (c) ~~Subject to ss. 111.321, 111.322 and 111.335,~~ submits Submits
23 evidence satisfactory to the examining board that he or she does not have a conviction
24 record.

25 **SECTION 70.** 459.34 (2) (c) of the statutes is amended to read:

1 459.34 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, been Been~~ convicted
2 of an offense the circumstances of which substantially relate to the practice of
3 speech-language pathology or audiology.

4 **SECTION 71.** 459.46 (2) (c) of the statutes is amended to read:

5 459.46 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, submits Submits~~
6 evidence satisfactory to the examining board that he or she does not have a conviction
7 record.

8 **SECTION 72.** 459.46 (5) (b) 3. of the statutes is amended to read:

9 459.46 (5) (b) 3. ~~Subject to ss. 111.321, 111.322 and 111.335, been Been~~
10 convicted of an offense the circumstances of which substantially relate to the practice
11 of speech-language pathology or audiology.

12 **SECTION 73.** 480.08 (2) (c) of the statutes is amended to read:

13 480.08 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, submits Submits~~
14 evidence satisfactory to the department that he or she does not have an arrest or
15 conviction record.

16 **SECTION 74.** 480.08 (3) (c) of the statutes is amended to read:

17 480.08 (3) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, submits Submits~~
18 evidence satisfactory to the department that the person does not have an arrest or
19 conviction record and, if the person is a partnership, association or corporation, that
20 no partner of the partnership, officer or director of the association or officer or
21 director of the corporation has an arrest or conviction record.

22 **SECTION 75.** 480.24 (2) (c) of the statutes is amended to read:

23 480.24 (2) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, been Been~~ arrested
24 or convicted of an offense committed while registered under this chapter.

25 **SECTION 76.** 551.34 (1) (c) of the statutes is amended to read:

1 551.34 (1) (c) ~~Subject to ss. 111.321, 111.322 and 111.335, has~~ Has been
2 convicted, within the past 10 years, of any misdemeanor involving a security or any
3 aspect of the securities business, or any felony;

4 **SECTION 77.** 563.14 (2) of the statutes is amended to read:

5 563.14 (2) The supervising member and member responsible for the proper
6 utilization of gross receipts are active members of the applicant organization who,
7 ~~subject to ss. 111.321, 111.322 and 111.335,~~ have never been convicted of a felony or,
8 if convicted, have received a pardon or have been released from parole or probation
9 for at least 5 years.

10 **SECTION 78.** 563.27 (1) of the statutes is amended to read:

11 563.27 (1) ~~Subject to ss. 111.321, 111.322 and 111.335,~~ a A person convicted of
12 a felony who has not received a pardon or has not been released from parole or
13 probation for at least 5 years.

14 **SECTION 79.** 563.27 (2) of the statutes is amended to read:

15 563.27 (2) Subject to ss. 111.321, and 111.322 and 111.335, a person who is or
16 has been a professional gambler or gambling promoter or to whom s. 139.34 (1) (c)
17 is applicable.

18 **SECTION 80.** 563.51 (29) (b) of the statutes is amended to read:

19 563.51 (29) (b) ~~Subject to ss. 111.321, 111.322 and 111.335, has~~ Has never been
20 convicted of a felony or, if convicted, has been pardoned or released from probation
21 or parole for at least 5 years.

22 **SECTION 81.** 569.04 (2) of the statutes is amended to read:

23 569.04 (2) The commission shall require the persons who are subject to the
24 background investigations under sub. (1) to be photographed and fingerprinted on
25 2 fingerprint cards, each bearing a complete set of the person's fingerprints.

