



2007 ASSEMBLY BILL 260

April 13, 2007 - Introduced by Representatives KLEEFISCH, GUNDERSON, GUNDRUM, MUSSER, NASS, A. OTT, OWENS, PETERSEN, SUDER, TOWNSEND and ZIEGELBAUER, cosponsored by Senators LAZICH, LEIBHAM, GROTHMAN and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT** *to amend* 111.335 (1) (c) 1.; and *to create* 111.31 (6), 111.335 (1) (c) 3.,
2 111.335 (1) (c) 4. and 111.335 (2) of the statutes; **relating to:** permitting an
3 employer to refuse to employ or to terminate from employment an individual
4 who has been convicted of a sex offense or a violent offense and preempting
5 cities, villages, town, and counties from adopting provisions concerning
6 employment discrimination based on arrest or conviction record that prohibit
7 activity that is allowed under the state fair employment law.

Analysis by the Legislative Reference Bureau

The current state fair employment law, subject to certain exceptions, prohibits discrimination in employment based on arrest or conviction record. That law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an employer to refuse to employ or to terminate from employment an individual who has been convicted of a sex offense or a violent offense and who has not been pardoned for that offense, whether or not the circumstances of the offense substantially relate to the circumstances of the particular job.

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Under current constitutional and statutory home rule provisions, a city or village may determine its own local affairs subject only to the Wisconsin Constitution and to any enactment of the legislature that is of statewide concern and that affects every city or village with uniformity. This bill states that the prohibition against discrimination in employment based on arrest or conviction record under the state fair employment law is a matter of statewide concern, requiring uniform enforcement at the state, county, and municipal levels. As such, the bill prohibits any county, city, village, or town from adopting any provision concerning employment discrimination based on arrest or conviction record that prohibits any activity that is allowed under the state fair employment law.

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:

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

2 111.31 (6) The legislature finds that the prohibition against discrimination on
3 the basis of arrest or conviction record under s. 111.335 is a matter of statewide
4 concern, requiring uniform enforcement at the state, county, and municipal levels.

5 **SECTION 2.** 111.335 (1) (c) 1. of the statutes is amended to read:

6 111.335 (1) (c) 1. Has been convicted of any felony, misdemeanor or other
7 offense the circumstances of which substantially relate to the circumstances of the
8 particular job or licensed activity; ~~or~~.

9 **SECTION 3.** 111.335 (1) (c) 3. of the statutes is created to read:

10 111.335 (1) (c) 3. Has been convicted of a sex offense, as defined in s. 301.45 (1d)
11 (b), or found to have committed a violation of federal law or the law of another state
12 that would be a sex offense, as defined in s. 301.45 (1d) (b), if committed in this state,
13 and who has not been pardoned for that sex offense.

14 **SECTION 4.** 111.335 (1) (c) 4. of the statutes is created to read:

