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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

APPLICANT SCREENING CONCEPTS

AB 340
Folder

The **WORST** time to screen your residents is.....
during the eviction process !!!

As a rental property owner, or manager, in many respects you have more power than the police. You have the power to prevent problems from moving into your property and you *have the power* to move them off.

You should use the most thorough process possible to screen prospective tenants. Financial institutions measure a person's "credit worthiness" before issuing a loan. You should be measuring for an applicant's "tenant worthiness" (a predictor of what kind of resident they will be). This can be accomplished by not only checking the applicants credit history, but also their criminal history and their rental history. The rental history includes evictions, lease violations, and rental background (do they change apartments often, or before the lease expired, and contact with previous landlords).

J. Denton Dobbins, a prominent Arizona attorney, advises that if property managers utilize better screening procedures they can expect:

- Good tenants
- Deferred maintenance costs
- A better living environment
- Residents who notify you of problems....not create problems
- A waiting list for prospective tenants

Chris McGoey, The Crime Doctor, a nationally known crime prevention expert relates that a "good application" can be an *effective* screening tool in and of itself.

This section contains several examples of forms and documents (applications, screening policies, etc.). These items are provided simply as an example and are not specifically endorsed. What works for one property may not work as well for you. Discuss your applicant screening policy and process with your lawyer or an attorney experienced in landlord/tenant law. Adopt and develop screening criteria that suits your needs and that you and your attorney feel comfortable with. Your final goal and purpose is to protect yourself, protect your property, and protect your tenants.

Under the new City Ordinance criminal background checks are mandatory.

Below is a list of web-based companies that provide comprehensive background check services. This list is provided only as a service to assist you in finding background investigation services, and is not meant to be an exhaustive list of such companies. This list is not intended as an endorsement or recommendation by the City of Aurora.

REMEMBER!!!

You have the power to prevent problems. You should use the most thorough process possible to screen prospective tenants because the **WORST** time to screen your residents is during the eviction process.

The following sites will benefit property owners of single residential units/independent property owners.

Screening Works

Waltham, MA 02452
(888)401-7999 [1-200 units]
www.screeningworks.com

On-Site.com

Chicago, IL 60605 (708)686-6748
(866)547-9763 (private landlord)
(888)556-6748 (large community)
www.on-site.com

#1 Background Checks

Dallas, TX 75204
(866)652-4473
www.1-background-checks.com

US Search

Culver City, CA 90230
(800)877-3272
www.ussearch.com

Resident Data

Dallas, TX 75271
(800)487-3246
www.residentdata.com

Crimshield (Endorsed by Crime Free Multi-Housing)

Mesa, AZ 85211
(888)422-2547
www.crimeshield.com

The following sites will benefit property owners of multi-units/larger communities.

Rent Grow

Waltham, MA 02452
(800)736-8476 [200-60K units]
www.rentgrow.com

Domin-8 Enterprise Solutions

Mason, OH 45040
(800)236-1596
www.domin-8.com

First Advantage SafeRent Services

Park Ridge, IL 60068
(800)811-3495 [100 + units]
www.fadvsafere.com

Screening Reports Inc.

Bensenville, IL 60106
(866)389-4042 [100 + units]
www.screeningreports.com

Real Page Inc.

Carrollton, TX 75007
(877)325-7243
www.realpage.com

CBC AmRent, affiliate of CBC Innovis

Columbus, OH 43216
(614)222-5355
www.cbcinnovis.com

These additional sites will provide information on ways to protect your property/tenants.

National Apartment Association

www.naahq.org

Chicagoland Apartment Association

www.caapts.org

Crime Doctor

www.crimedoctor.com

Business.com (search Tenant Screening)

www.business.com

Landlord.com

www.landlord.com

Multi-Housing News

www.multihousingnews.com

WHAT ABOUT CRIMINAL BEHAVIOR?

At this time it is not illegal to deny residency to an applicant based on their criminal history. Keep in mind, you should not deny an application on the basis of an arrest; but only on a conviction, guilty plea, plea of no contest, been placed on supervision, probation, or parole. If an applicant says they were not convicted, but they made a plea bargain instead, it is **still** a conviction.

YOUR APPLICATION SHOULD ASK ABOUT THESE ITEMS...



APPLICATION (CONTINUED)

- HAVE YOU EVER BEEN CONVICTED? YES ___ NO ___
IF SO, PLEASE EXPLAIN: _____
- ARE YOU CURRENTLY INVOLVED IN ANY ILLEGAL ACTIVITIES? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____
- DO YOU CURRENTLY USE OR SELL ANY ILLEGAL DRUGS? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____

Behavior is not one of the federally protected classes. An applicant can be denied residency for behaviors at previous rental properties. For example, you could refuse residency to an applicant who has repeatedly disturbed or threatened previous neighbors, sold or manufactured drugs, or damaged properties they previously rented.

When looking at the criminal history of prospective residents, ask yourself, "Is this a crime that poses a threat to my residents"? A felony embezzlement charge may not be a threat, but a misdemeanor charge for assault may constitute a threat.

MAKE CRIME FREE MULTI-HOUSING A COMMITMENT!

It is important to convey to all prospective residents your intention to participate in the Crime Free Multi-Housing Program. Some property managers will attach a copy of the Crime Free Addendum to each application, while other property managers will display a poster-sized copy of the addendum in an area where prospective residents fill out their application.

You should also have a written applicant screening policy along with the criteria that will be grounds to deny the application. If you are going to screen an applicant (including their criminal background) you must screen every applicant including the sweet little old lady.

Be certain to treat all applicants equally and fairly. **Also be certain to tell them about your participation in the Crime Free Multi-Housing Program before they fill out the application.** This gives them the opportunity to continue looking for other options. (NOTE: If an applicant refuses to live in a Crime Free Community, you won't have to deny their application!)

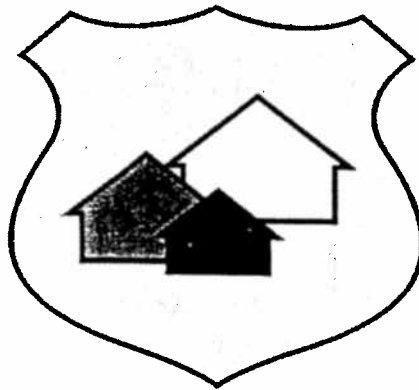
An application should be obtained from all occupants 18 years old and over and each occupant 18 and over should be screened and approved.

DISCLOSURE

If an applicant discloses a previous criminal history of convictions on the application, you should decide immediately whether or not to accept the application. If you accept the application, you may lose the right to deny the application later for any information they have disclosed. Check with your Management Company and/or attorney to be certain of your company's policy in this regard.

Bottom line...check each application thoroughly before accepting it or any processing fees.

City of Aurora



Chapter 4 The Application Process

Crime Free Multi-Housing Rental Housing Program



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ARREST OR CONVICTION RECORD DISCRIMINATION

Wisconsin law specifically prohibits an employer from making an employment decision based on an arrest or conviction record of an applicant or employee except under very limited circumstances which are outlined below. "Arrest record" includes, but is not limited to, information indicating that an individual has been questioned, apprehended, taken into custody or detention, held for investigation, arrested, charged with, indicted or tried for any felony, misdemeanor or other offense pursuant to any law enforcement or military authority.

"Conviction record" includes, but is not limited to, information indicating that an individual has been convicted of any felony, misdemeanor or other offense, has been adjudicated delinquent, has been less than honorably discharged or has been placed on probation, fined, imprisoned or paroled pursuant to any law enforcement or military authority.

Wisconsin law specifically prohibits employers from requesting information from an applicant or an employee on an application form or otherwise regarding an arrest record. There are two exceptions to this general prohibition:

1. When the circumstances of a pending arrest substantially relate to the particular job to be performed; or
2. When an individual's employment depends upon bondability and the pending record is critical as it affects bondability under federal and state law.

For example, if the individual is unable to be bonded due to an arrest record and the job requires the individual to be bonded, it is not employment discrimination to suspend judgment until the court decision or advise the applicant to reapply when the pending charge has been resolved.

With respect to arrests, only pending arrests can be considered. If a person has a charge dismissed, the employer cannot consider the charge as a basis for an employment decision. Only pending *criminal* arrests can be considered. An arrest based on a municipal violation cannot be considered. However, a *conviction* for a municipal ordinance violation can be considered, if there is a substantial relationship between the conviction and the job position.

An employer may only *suspend* an employee based on a pending *criminal* arrest that is substantially related to the job position. An employer cannot terminate an employee based on a pending criminal arrest. If a subsequent conviction is substantially related to the job position, the employer can terminate based on the conviction. If an applicant has a pending criminal arrest that is substantially related to the job position, the employer can refuse to hire until the pending criminal arrest is resolved. If the charge is dismissed, and there still is an opening, the employer would not be able to use the pending arrest as a reason for not hiring the individual. If there is a conviction that is substantially related to the job position, the employer could reject the applicant.

An employer may consider the underlying circumstances of a pending criminal charge. For example, if an employee admits to theft, an adverse employment action could be taken against the employee (including termination), so long as the motivation for the termination is not the arrest, but is the underlying conduct for which the employee has admitted to having undertaken.

The same would be true if the employee pleads guilty to an offense that is not substantially related to the job position, but has admitted to the underlying conduct which would provide an independent basis for a termination decision. An employer need not get an admission directly from the employee to use the underlying circumstances. Rather, an employer could rely on extrinsic evidence, such as a newspaper article, so long as the article has facts establishing the underlying conduct, which are independent from the pending criminal charge. However, we generally recommend an independent investigation of the facts and not merely relying on an outside source.

An employer may request information regarding a conviction record. However, if this inquiry is made, the application form or management representative should indicate that a criminal record does not constitute an automatic bar to employment and will be considered only as it relates to the job in question. It is unlawful for an employer to base an employment decision on an individual's conviction record unless: (1) the conviction substantially relates to the circumstances of the particular job; or (2) the individual is not bondable because of the conviction and the job requires bondability.

Crimes involving dishonesty or theft can be substantially related to many jobs. Many jobs provide an opportunity to steal from an employer. The greater the value of items and availability and probability of the likelihood of stealing, the more substantial the relationship. On the other hand, crimes involving violence will rarely be substantially related to most jobs. However, if the employee commits a crime of violence during the course of employment, this would provide grounds for termination. If an employee committed an act of violence at a previous job that resulted in a conviction, this would probably not be found to be substantially related to a subsequent position, absent unusual circumstances. Sex crimes are generally not substantially related unless the position allows the opportunity for new criminal activity, such as a child sex offender working around children. Similarly, a sex crime may be substantially related to a position where the person would have access to individual residences. Drug crimes are generally not substantially related unless the crime involved dishonesty. However, if an employee is convicted of a drug offense during the course of employment, which violates an employer drug policy, that would provide an independent basis for a termination decision.

Hiring and firing decisions based on arrest and conviction record can involve complex legal issues and an employer should consider contacting an attorney before making such decisions.

In the City of Madison, an employer may only consider an arrest or conviction record if the individual was placed on probation, paroled, released from incarceration or paid a fine for a felony, misdemeanor or other offense, within the past three years (whichever occurs later). Similar to Wisconsin law, the circumstances of the offense must be substantially related to the circumstances of the particular job. Madison does recognize bondability requirements. Thus, if an employee is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state, federal or local law, administrative regulation or previously established business practice of the employer, that employer may rely on a conviction regardless of the age of the conviction.

- ♦ Gather all background facts. For example, where did the convicted offense take place - in the workplace? Whom did it involve - coworkers? Is the applicant currently on probation or out on parole?
 - ♦ Make sure the applicant has truthfully disclosed all facts and circumstances regarding his/her past convictions.
3. Use of Criminal Background Information: Wisconsin law prohibits consideration of an applicant's past arrest record but a current criminal arrest may be considered if it is substantially related to the job. If a current charge does substantially relate to the job, the employer may refuse to employ the applicant or require the applicant to reapply when the charge is resolved.

An employer may not refuse to hire an applicant or discharge an employee based on his/her conviction record unless that conviction substantially relates to the circumstances of the job. If an applicant is asked about prior convictions, the employer should add a clarifier, "A conviction will not necessarily disqualify you from employment. It will be considered only as it may relate to the job you are seeking."

4. Making the "Substantial Relation" Determination: Do the essential functions of the job in question present the applicant with an opportunity to engage in criminal behavior similar to the crime(s) which led to the previous conviction or current arrest?
- ♦ Examine the essential functions of the job (e.g., required bondability, job responsibilities, potential access to money or other valuables, degree of unsupervised activity, etc.).
 - ♦ Consider personal qualities revealed by previous conviction(s)/current arrest(s) (e.g., propensity towards violent behavior, dishonesty, reaction to responsibilities, inability to properly function in an unsupervised environment, etc.).

Arrest and criminal record inquiries are discussed more fully in Chapter 9.

Negligent Hiring

An employer can also incur negligence liability if it does not conduct an adequate pre-employment investigation of an employee's character and past behavior.

Scenario: An employer's truck driver sexually assaults two hitchhikers. The company's job application had contained two questions concerning vehicular or criminal convictions. The driver had acknowledged his vehicular convictions but did not mention any criminal convictions. The driver had a string of convictions for violent sex-related crimes and had been arrested in the prior year for an identical crime. The employer had not run a check for past convictions or arrests.

Question: Is the employer liable for damages to the hitchhikers?

negligence of the employer must be connected to the act of the employee.

The loss prevention employee, Maness, testified that Wal-Mart did not train him regarding Wisconsin's retail theft statute on the rights and duties of merchants and customers. As a result, Maness testified that he understood that he had the right to recover merchandise from suspected shoplifters; that he could make a "citizens arrest;" that he had more latitude than a police officer in conducting a search of a person; and that he did not need consent from a suspected shoplifter to question him or her. Wal-Mart's store manager and assistant manager who were present when Maness stopped Miller, also testified that they were not trained regarding Wisconsin's retail theft statute. We conclude that this evidence is sufficient to support an award of punitive damages, assuming a causal connection between the employer's negligence and the employee's wrongful act.

Foreseeable risks are determined by:

1. Company policy. If a policy exists prohibiting employees from certain actions, it will generally be found that the employer recognized that those actions could potentially occur.
2. Specific employee instructions. The specific instructions provided to employees may define what the employer recognizes as a risk.
3. The nature of the position. Does the very nature of the position lend itself to foreseeable risks?

If a risk is not considered by instructions or policy, then it may not be considered to be foreseeable.

The reasonableness of an investigation may be determined by the limitations on information the employer can obtain and the individuals considered. Finally, when dealing with an unfit employee, an employer should take immediate appropriate action, by retraining, reassigning, or discharging the unfit employee.

The following checklist contains suggestions for assuring that an adequate investigation is conducted prior to hiring an employee.

1. Be aware of state and federal discrimination laws. [Wisconsin law prohibits discrimination regarding conviction and arrest but allows conviction to be considered in hiring, if the circumstances of the conviction are "substantially related to job duties."]
2. Investigate all applications including those for temporary, part-time, on-call and occasional positions.

SAMPLE EMPLOYMENT APPLICATION

This company is an equal opportunity employer and fully subscribes to the principles of Equal Employment Opportunity. It is the policy of this company to provide employment, compensation and other benefits related to employment based on qualifications, without regard to race, color, religion, national origin, age, sex, veteran status or disability, or any other basis prohibited by federal or state law. As an equal opportunity employer, this company intends to comply fully with all federal and state laws and the information requested on this application will not be used for any purpose prohibited by law. Disabled applicants may request any needed accommodation.

PLEASE PRINT PLAINLY—BE SURE TO SIGN THIS APPLICATION

Date: _____

Name: _____
Last
First
Middle

Address _____
No.
Street
City
State
Zip

Home Phone: _____ Business Phone: _____

Have you been previously employed by this company? Yes No

If yes, when? _____ In what capacity? _____

Who referred you to this company: Our Advertisement Job Service Friend/Relative
 Employment Agency No One

Names of friends or relatives employed by this company:

Name _____ Relationship _____

Name _____ Relationship _____

Name _____ Relationship _____

EMPLOYMENT DESIRED

Position(s) applied for _____ Full time Part time

If part time, what days and hours are you available? _____

Date available to start _____ Salary requirement _____

PERSONAL DATA

[Caution: Application inquiries into further personal information should be tailored to the specific duties of the particular job involved. Personal data questions should be reviewed by counsel. Such questions may be better framed and used in the interview process. Employers should keep in mind that the ADA prohibits pre-employment medical inquiries. This would prohibit an employer from asking questions regarding medical history, record of injuries, major illnesses, prescribed drugs, attendance at prior employment and worker's compensation claims filed with previous employers. A standard question on many employment applications is: "Do you have any physical limitations or impairments which would prohibit you from performing the job for which you are applying?" This question is no longer lawful under the ADA and should be removed from application forms. [For further discussion, see Chapter 11, Individuals with Disabilities.]]

Are you a United States citizen or do you have an entry permit which allows you to lawfully work in the U.S.? Yes No

Are you at least 18 years old? Yes No

[Convictions: The Wisconsin Fair Employment Act prohibits an employer from refusing to employ a person with a conviction record unless the circumstances of the conviction substantially relate to circumstances of the particular job. If the application form makes any inquiry about convictions, it should also indicate that a criminal record does not constitute an automatic bar to employment and will be considered only as it relates to the job in question. Further, any person who evaluates information concerning criminal records should be given careful instructions regarding the limited ways in which this information may be used.]

EDUCATION

	<u>Name and Location of School</u>	<u>No./Years Completed</u>	<u>Did you Graduate</u>	<u>Course of Study</u>	<u>Degree</u>
High School	_____	_____	_____	_____	_____
College	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____

List any special skills or qualifications which you feel are relevant to the job for which you are applying:

[Exercise care so that only clearly job-related education is considered in the hiring decision. Consideration of degrees and formal education may result in a disparate impact on some groups, such as minorities. The employer must then be prepared to show that the degree or education is truly necessary for the performance of the job.]



Factors influencing revenue take time to reattain pre-recession level, but spending does not – economic recovery does not feel like fiscal recovery

of quarters after the GDP trough until pre-recession level is re-attained

Recession start-year:	Real GDP	Employment	Real wages	Real proprietors' income, plus dividends, interest, rent	Real consumption of goods	Real state and local government current expenditures**
1969	1	6	5	2	1	1
1973	3	4	6	9	2	1
1980	2	2	3	1	8	1
1990	3	8	4	13	4	1
2001	1	14	11	13	1	1

Source: BEA National Income and Product Accounts

Note: All variables deflated using GDP price index

** 2007 is different so far

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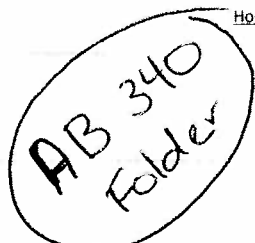
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Opinion



Patrick McIlheran



Landlords feel the loathing

Posted: Sept. 16, 2009

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The Department of Take Us to the Cleaners

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landlords?

The latest affront is a bill by state Rep. Marlin Schneider (D-Wisconsin Rapids) to limit access to CCAP, the Web site detailing court cases. Schneider tinkered with the bill last week, but he didn't fix the part that worries landlords. Under the bill, the system won't show cases until a court finds a defendant guilty or makes an eviction final.

Here's the problem: Landlords use CCAP to screen tenants. It's perfectly legal, says Tristan Pettit, a Milwaukee lawyer who heads the Apartment Association of Southeastern Wisconsin. It's a splendid way of learning that a prospective tenant is getting evicted for stiffing his current landlord.

While the bill makes the cases public eventually, the trick is that most evictions settle first, says Pettit. Landlords find that cheaper than months of legal process, and courts press for it. But under Schneider's bill, settlements leave no public record.

Worse, Schneider's bill would keep landlords from spotting troublemakers. Say a tenant is pushing drugs but, because there are witness problems, prosecutors make a deal on a lesser charge. The public record would no longer show the very real drug trouble, which can and should make a landlord wary.

"Basically, you're renting blind," said Tim Ballering, who owns 400 units in Milwaukee. Landlords, he feels, were collateral damage in Schneider's ongoing crusade to give criminals a second (or third or fourth) chance. Still, the lawmaker keeps trying to purge public records, landlords keep complaining, and all that happens is that more lawmakers sign on. Milwaukee Democratic Reps. Fred Kessler and Polly Williams co-sponsored Schneider's bill.

It's not just Schneider. Milwaukee city officials, too, don't make it easy for landlords. The city's an expensive place to own apartments, many say. Taxes are high, and "there are just so many regulations against us," said Pettit. Don't get him started about the nuisance property law, by which landlords can get in trouble if a tenant calls 911 needlessly.

The Department of Neighborhood Services until lately was a particular cross. "There was a real culture of hatred in the city towards property owners," said Ballering. "Starting with DNS."

Ballering, Pettit and others said things are improving under DNS's new commissioner. Others credit police with cleaning up prostitution and gang trouble.

Still, for every step forward, there are another couple steps toward proposals such as landlord licensing. A study done for DNS found that idea had "very uncertain benefits" elsewhere, while for landlords it's pure cost. Yet it seems to be moving forward.

Why? Why do Milwaukee lawmakers co-sponsor Schneider's regrettable lunacy? Why did our city, in which 55% of residents rent, ever come to make those who offer rentals feel as if they were at best merely

After talking to Tom Fandre, you might not want to be a landlord.

It isn't easy. Fandre, who owns 18 units on Milwaukee's south side, has a leg up because he used to be a building engineer. He's got a trailer full of tools. "I'm a caulkaholic," he said as we stood sweating in a flat on S. Congo Ave. that he was renovating. "I built that shower. Built these walls."

The occupation has dangers. That flat once took gunfire from a gang shootout. It has frustrations: "The tenants will drive you nuts," said Fandre. "You're dealing with people who don't really care about the place" - though, he adds, "There are some tenants who are super people, super people."

Yet it's how Fandre makes his living. Because he's building showers and towing his trailer of tools, 18 households have homes. Fandre and others like him are an important part of how Milwaukeeans without much money can find a place to live.

So why do so many of our leaders seem indifferent to the success of

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tolerated?

"It doesn't seem that the city sees what we offer and that it's necessary," said Pettit.

The Public Policy Forum a few months back said Milwaukee's really short of low-cost rentals. If more people went into the business, researchers said, it could help. Yet Ballering, who's owned for 32 years, told his son to find another occupation: "It's such a difficult business," said Ballering.

"There's better things to do with your life."

Not what a city in need of rental housing wants to hear from entrepreneurs who provide it.

Patrick McIlheran is a Journal Sentinel editorial columnist. E-mail pmcilheran@journal sentinel.com

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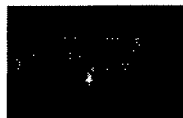
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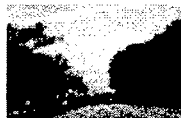
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- **DNA DATABANK EXPUNGEMENT REQUEST:**

Records may be removed from the Wisconsin DNA Databank if they were submitted as the result of a conviction or adjudication which has since been reversed, set aside or vacated, or for which the governor has granted a pardon or if it was collected in error. *Jus. 9.06(3) Wis. Admin Code*

Direct question on how to Expunge a DNA Databank Record to:

The Wisconsin DNA Databank Manager

State Crime Laboratory-Milwaukee

1578 South 11th Street, Milwaukee, WI 53204

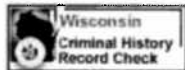
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Missing Persons



Law Enforcement Services

Gary Hamblin, Administrator • [Biography](#)

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- ◇ State Crime Laboratory
- ◇ TIME System
- ◇ Training & Standards Bureau

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Fee Information

The fee applies to the *search* and not to the *result*. You will be charged a search fee even if the response is "no record found."

CIB Record Check Fees

CIB is required under Wisconsin law to charge a fee for criminal history searches. Statute 165.82 says that the search cost is determined as follows:

Internet Requests:

- Non-profit organization \$ 7
- Governmental agency \$ 7
- Any other requester \$ 13

Mail or Fax Requests:

- Non-profit organization \$ 12
- Governmental agency \$ 12
- Any other requester \$ 18

For each search that you request, a fee will be imposed. For account customers, your transactions will appear on an itemized monthly statement. Fees for account customers are determined at the time the account is established based on requestor type. If you pay for your requests as they are sent in, proof of organization type other than public (\$18.00) must be included with the request. For non-profit organizations, this proof must be in the form of a 501(c)(3) determination by the Internal Revenue Service

A Federal Employer Identification Number does not indicate non-profit status. Tax-exempt status does not indicate non-profit status.

1. Is a fee charged for obtaining copies of tax returns?

A \$5.00 research fee is charged for every period or year of a specific tax type requested, regardless of whether the information requested is located. If the information cannot be located, the department will notify you by letter. For a certified copy, the total fee is \$6.00 per period or year for each specific tax type. **Payment must be sent with the request.** The Department of Revenue will no longer bill for completed requests. Requests that do not include payment in full will not be filled.

A \$.20 fee per one side of paper, is charged for correspondence, i.e., notices of refunds, assessments, etc.

FOR MORE INFORMATION PLEASE CONTACT:

WISCONSIN DEPARTMENT OF REVENUE
Specialized Services Unit
Mail Stop 5-144
P.O. Box 8906
Madison, WI 53708-8906
Phone: (608) 266-2890
Fax: (608) 261-4907
E-Mail Additional Questions

Last updated September 15, 2009

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2-4-10

NEWS IN REVIEW
Expresso *Shephard
Express*

Issue of the Week
Reining in CCAP



We generally like the state's online Consolidated Court Automation Programs (otherwise known as CCAP) for providing information about individuals' court histories. But there's a downside to such openness: People who have been accused but later found innocent and people whose cases are pending and may be innocent still have this information on the CCAP Web site for the public, including potential employers, to see. That's why we support AB 663, which would restrict access to CCAP. Under the bill, the general public could still access information, but it would be limited to criminal convictions, civil liabilities, evictions and restraining orders or injunctions. Information about pending charges and charges for which an individual was acquitted would not be available to the public. Law enforcement officers, court officials, attorneys, journalists and licensed debt collectors could access the full database. We think this is a sensible compromise between the public's right to know and preserving innocent people's privacy.

Don't erode public's access to state court records

2-14-10

CHRISTA WESTERBERG

Once again, Wisconsin's online circuit court access program is under attack.

CCAP is, by all accounts, a successful program. It provides free online access to most circuit court records, civil or criminal, and is accessed three million to five million times a day. It saves the public and court employees untold amounts of time by providing quick, updated information on the status of past and current cases in Wisconsin's circuit courts.

There are ongoing legislative attempts to neuter CCAP. In fact, an Assembly bill that would drastically reduce access to CCAP passed out of committee earlier this month.

But another challenge to CCAP is pending in a different forum. The State

Bar of Wisconsin has petitioned the Wisconsin Supreme Court to modify state court rules in a way that would not only reduce access to CCAP, but completely expunge even the paper records of certain court cases.

The State Bar's petition is aimed at criminal complaints that are dismissed or result in acquittal, because of claimed instances of bias against people who have been criminally charged but not convicted. But the actual language of the petition goes farther, allowing expungement of records for civil as well as criminal cases

— even those resulting in conviction — after a certain period or if other prerequisites are met.

Even if the petition were aimed only at criminal complaints resulting in dismissal or acquittal,

COMMENTARY: YOUR RIGHT TO KNOW

its proponents have submitted no evidence that people criminally charged are regularly denied jobs, housing or licenses because of discrimination related to their arrests.

In fact, as The Associated Press recently reported, state Rep. Marlin Schneider — a longtime advocate of reducing CCAP access — has exaggerated the number of complaints he's received. Whereas Schneider claimed his office had gotten "hundreds" of letters from people alleging discrimination due to dismissed charges, the actual number of these since 2006 was 22, the AP found.

Perhaps it makes sense to study the actual nature and extent of the problem.

had just been fined for poaching a huge trophy deer out of season.

This was purportedly the poacher's seventh violation. He should not have even been able to get a hunting license, according to state law. The reporter was able to verify through warrants all seven arrests and charges.

However, no record existed of the six previous violations because state law had allowed each to be expunged before the next offense occurred. As a result, each violation was, according to the records, his first offense and drew the minimum fine.

Imagine if misdemeanor operating a vehicle while intoxicated, assault and battery, domestic abuse, theft, drug dealing, carrying a concealed weapon, are all able to be erased and swept under

the rug as if they never happened. And there will be no way for citizens to monitor how our legal system is handling these cases.

These kinds of consequences recently fed Attorney General J.B. Van Hollen to weigh in against the petition in a recent filing with the court.

The Supreme Court hears the State Bar's petition on Feb. 24. Considering the petition's consequences, and the overall threat to open government it poses, all users of CCAP should hope it is rejected.

Your Right to Know is a monthly column distributed by the Wisconsin Freedom of Information Council (<http://www.wisfoic.org>), dedicated to open meetings and open records.

Christa Westerberg, an attorney at McGillivray Westerberg & Bender, LLC, in Madison, is the group's vice president.

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Some protection from online court records

TODD RICHMOND
Associated Press

2/13/16

MIDDLETON — Judges should decide whether to erase innocent people's cases from online court records, Gov. Jim Doyle said Friday.

Speaking at the Wisconsin Newspaper Association's annual convention, Doyle said easily accessible electronic records make life a nightmare for people who

are charged but later exonerated. The governor's remarks come after an Assembly committee approved a bill that would allow the public to see online records of court cases only where there has been a conviction.

The bill's main sponsor, Rep. Marlin Schneider, D-Wisconsin Rapids, argues that the mere mention of people in the state's online court database carries a connotation of guilt and can ruin their reputations forever, costing them jobs and housing.

Doyle, a Democrat, said Schneider's bill goes too far but "for those really innocent

people... we have to figure out a way to protect them."

Judges already are overworked, Schneider said. People shouldn't have to pay to hire lawyers "to be berated by a judge who thinks he's God" to get their records erased, he added.

Wisconsin's Circuit Court Access, or CCAP, site contains all manner of criminal and civil court records, from speeding tickets to homicides to divorces. Anyone can access the site, which gets as many as 5 million hits per day.

Each criminal case includes a note on whether the defendant

was exonerated or convicted or if the case is still ongoing.

Judges currently may order misdemeanor and low-level felony records expunged for offenders under age 25. They also can order juvenile records expunged, although those records are never public.

The Wisconsin Bar Association, citing concerns that WCCA records could enable employers and landlords to discriminate against people, has asked the state Supreme Court to give judges broad expunction powers. The association says judges should be allowed to erase

records in an acquittal, if a case is dismissed or if the minimum time for retaining the records has expired.

Schneider has been pushing bills to restrict WCCA access for years.

Under his latest proposal, the public portion of the site would contain only cases with convictions or findings of liability. Court officials, police and reporters would have access to all the records, however. If someone searches for a person on the site and denies that person housing or employment, the searcher must notify that person that he or she searched the site.



Doyle