

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB446)**

Received: 09/14/1999

Received By: kenneda

Wanted: 09/14/1999

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing: Joyce Kiehl

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters: malaigm

Subject: Discrimination

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employment of violent felons by an educational agency

**Instructions:**

Limit scope of bill to violent felons; provide that only convictions within the Limit scope of bill to violent felons;preceding five years may be used by employers to deny employment; grandfather in current employes, i.e., they may be fired for convictions obtained on or aftereffective date, but not for past convictions

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 09/14/1999	jgeller 09/14/1999		_____			
/1			jfrantze 09/14/1999	_____	lrb_docadmin 09/14/1999	lrb_docadmin 09/14/1999	

FE Sent For:

<END>

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*Joyce Kiehl  
Leg Council  
will pick up*

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1?	kenneda		<i>JK 9/14</i>	<i>JK/ck 9/14</i>			

FE Sent For:

<END>



(NOW)  
State of Wisconsin  
1999 - 2000 LEGISLATURE

(D-NOTE)

0596/1  
LRBa0581/1  
GMM:kmg:km  
DAK & JLG

**ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 446**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: delete "an" and substitute "certain".

3 **2.** Page 1, line 3: delete "felon" and substitute ", violent felons".

4 **3.** Page 2, line 2: delete that line and substitute:

5 "111.335 (1) (d) 1. In this paragraph:

6 a. "Educational agency" means a school district, a cooperative educational  
7 service agency, a county children with disabilities board, the Wisconsin school for the  
8 visually handicapped, the Wisconsin school for the deaf, a private school, a charter  
9 school, a private, nonprofit, nonsectarian agency under contract with a school board  
10 under s. 118.153 (3) (c) or a nonsectarian private school or agency under contract with  
11 the board of school directors in a 1st class city under s. 119.235 (1).

12 b. "Violent felony" means a violation of ch. 940 or 948 ~~other than a violation~~  
13 that is a Class ~~B~~ felony; a violation of s. 941.11, 941.20 (3) (a), 941.30 (1), 941.32,

A, B, BC, C or D

1 941.327 (2) (b) 2., 3. or 4., 943.02 (1), 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2)  
2 or 946.43; the solicitation, conspiracy or attempt under s. 939.30, 939.31 or 939.32  
3 to commit a violation specified in this subd. 1. b.; or a violation of federal law or the  
4 law of any other state or country that would be a violation specified in this subd. 1.  
5 b. if committed in this state.

6 2. Notwithstanding s. 111.322, it is not employment discrimination”.

7 4. Page 2, line 3: delete “, as defined in s. 115.31 (1) (b),”.

8 5. Page 2, line 5: delete that line and substitute “convicted, within 5 years prior  
9 to the refusal to employ or to the termination from employment, of a violent felony,  
10 who has not been pardoned for that violent felony and whose conviction has not been  
11 reversed, set aside or vacated, except that it is employment discrimination because  
12 of conviction record for an educational agency to terminate from employment an  
13 individual who is employed by the educational agency on the effective date of this  
14 subdivision .... [revisor inserts date], based on a conviction for a violent felony  
15 obtained before the effective date of this subdivision .... [revisor inserts date], unless  
16 the circumstances of that violent felony substantially relate to the circumstances of  
17 the individual’s particular job.”.

18 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0581/Tda 0596/1  
GMM:kmg:km

~~September 13, 1999~~ } new date

↑  
stays

Other models that you might wish to consider in defining "violent felony" include the definition of "violent crime" in s. 939.632 relating to penalty enhancers for a violent crime in a school zone and the definition of "serious felony" in s. 973.0135 relating to parole eligibility for a prior offender who is sentenced for a serious felony. The advantage of using either of these approaches is that they zero in more precisely on the worst crimes in chs. 940 and 948. In addition, the definition in s. 939.632, because it relates to violent crimes in a school zone, appears to bear some rational relationship to this draft, which relates to employment discrimination by an educational agency. Moreover, the definition in s. 973.0135 includes drug felonies punishable by 30 years in prison, which also might bear some rational relationship to protecting the safety of school children. If the crimes listed in either of these definitions make sense to you in the context of employment at a school, please advise and I will redraft accordingly.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: Gordon.Malaise@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0596/1dn  
GMM:kmg:jf

September 14, 1999

Other models that you might wish to consider in defining "violent felony" include the definition of "violent crime" in s. 939.632 relating to penalty enhancers for a violent crime in a school zone and the definition of "serious felony" in s. 973.0135 relating to parole eligibility for a prior offender who is sentenced for a serious felony. The advantage of using either of these approaches is that they zero in more precisely on the worst crimes in chs. 940 and 948. In addition, the definition in s. 939.632, because it relates to violent crimes in a school zone, appears to bear some rational relationship to this draft, which relates to employment discrimination by an educational agency. Moreover, the definition in s. 973.0135 includes drug felonies punishable by 30 years in prison, which also might bear some rational relationship to protecting the safety of school children. If the crimes listed in either of these definitions make sense to you in the context of employment at a school, please advise and I will redraft accordingly.

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