

# Patch II

**99s0125df**



**riley**



**malaigm**



**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB446)**

Received: 09/21/1999

Received By: malaigm

Wanted: Today

Identical to LRB:

For: Antonio Riley (608) 266-0645

By/Representing: Chris Gunst

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Discrimination**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employment of serious felons by an educational agency

**Instructions:**

Fold a0615/1 into bill and draft as a substitute amendment.

**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>
/?	malaigm 09/21/1999	ygeller 09/21/1999		_____			
/1			mclark 09/21/1999	_____	lrb_docadmin 09/21/1999	lrb_docadmin 09/21/1999	

FE Sent For:

<END>

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/?	malaigm	1/ 9/21 JG	MRE 9/21	MRE/JF 9/21			

FE Sent For:

<END>

1999

Date (time) needed

NOW!!!

LRB s 01.25.1

SUBSTITUTE AMENDMENT [TO A BILL]

CAVMS: JG

Use the appropriate components and routines developed for substitute amendments.

§ (A) SUBSTITUTE AMENDMENT

TO 1999 SB AB 446 (LRB 1)

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to:

.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.



State of Wisconsin  
1999 - 2000 LEGISLATURE

50125/  
LRB-3481/1

GMM:jlg:km

**1999 ASSEMBLY BILL 446**

~~September 7, 1999~~ Introduced by Representatives PETROWSKI, KELSO, WALKER, JENSEN, AINSWORTH, ALBERS, DUFF, FREESE, GROTHMAN, HAHN, HANDRICK, HIERSCH, HUNDERTMARK, JESKEWITZ, KESTELL, KREIBICH, F. LASEE, MONTGOMERY, MUSSER, NASS, OTT, OWENS, PETTIS, PLOUFF, SKINDRUD, STONE, SUDER, UNDERHEIM, URBAN, VRAKAS, WARD, GUNDERSON, RYBA and HOVEN, cosponsored by Senators SHIBILSKI, DARLING, HUELSMAN and ROSENZWEIG. Referred to Committee on Education.

individual who has been convicted of a serious felony

- 1 ~~AN ACT to create 111.835 (1) (d) of the statutes; relating to~~ permitting an
- 2 educational agency to refuse to employ or to terminate from employment an
- 3 ~~unpardoned felon.~~

***Analysis by the Legislative Reference Bureau***

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment any individual who has been convicted of any 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 educational agency to refuse to employ or to terminate from employment any individual who has been convicted of a felony and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under the bill, an "educational agency" is defined as a school district, a cooperative educational service agency, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin School for the Visually Handicapped, the Wisconsin School for the Deaf, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school or an agency under contract with a school board to provide a program for children at risk.

**ASSEMBLY BILL 446**

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

Insert  
2-2

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

1 SECTION 1. 111.335 (1) (d) of the statutes is created to read:

2 ~~111.335 (1) (d) Notwithstanding s. 111.322, it is not employment discrimination~~

3 because of conviction record for an educational agency, as defined in s. 115.31 (1) (b),

4 to refuse to employ or to terminate from employment an individual who has been

5 convicted of a felony and who has not been pardoned for that felony.

JO  
TP

6 (END)

Insert 2-5 ✓



State of Wisconsin  
1999 - 2000 LEGISLATURE

LBBa0615/1  
GMM:king:mrc

Insert 2-2

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

At the locations indicated, amend the bill as follows:

~~1. Page 1, line 3: delete "unpardoned felon" and substitute "individual who has been convicted of a serious felony".~~

~~2. Page 2, line 2: delete that line and substitute:~~

111.335 (1) (d) 1. In this paragraph, "serious felony" means a violation of s. 940.01, 940.225 (1) or (2), 948.02, 948.025, 948.03 (2), (3) (a) or (c) or (4) (a), 948.04, 948.05, 948.06, 948.07, 948.08, 948.30, 948.35 (1) (b), 948.36 or 948.40 (4) (a); a violation of s. 948.21, if death is a consequence; a solicitation, conspiracy or attempt under s. 939.30, 939.31 or 939.32 to commit a violation specified in this subdivision; or a violation of federal law or the law of any other state or country that would be a violation specified in this subdivision if committed in this state.

12

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

end of insert

NO #

Insert 2-5

1 ~~3.~~ Page 2, line 5: delete that line and substitute "convicted of a serious felony,  
 2 who has not been pardoned for that serious felony and whose conviction has not been  
 3 reversed, set aside or vacated, except that it is employment discrimination because  
 4 of conviction record for an educational agency to terminate from employment an  
 5 individual who is employed by the educational agency on the effective date of this  
 6 subdivision .... [revisor inserts date], based on a conviction for a serious felony  
 7 obtained before the effective date of this subdivision .... [revisor inserts date], unless  
 8 the circumstances of that serious felony substantially relate to the circumstances of  
 9 the individual's particular job."

END

(Ed of rest)

10