

1999 ASSEMBLY BILL 469

September 16, 1999 – Introduced by Representatives KELSO, WALKER, GROTHMAN, LADWIG, STONE, JENSEN, MUSSER, MONTGOMERY, OWENS, HUNDERTMARK, SUDER, PORTER, JESKEWITZ, TOWNSEND, URBAN, KAUFERT, NASS, UNDERHEIM, VRAKAS, HANDRICK and PLALE, cosponsored by Senators DARLING, FITZGERALD, HUELSMAN, ROSENZWEIG and COWLES. Referred to Committee on Labor and Employment.

1 **AN ACT** *to repeal* 111.335 (1) (cg) 3.; *to amend* 111.335 (1) (c), 111.335 (1) (cm),
2 565.02 (1) (b) (intro.) and 565.02 (2) (c) (intro.); and *to create* 111.335 (1) (cp)
3 of the statutes; **relating to:** permitting an employer to refuse to employ or to
4 terminate from employment an individual who has been convicted of a felony
5 and who has not been pardoned.

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 expands that exception to the prohibition against employment discrimination based on conviction record by specifying 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 a felony and who has not been pardoned, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

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

2 111.335 (1) (c) Notwithstanding s. 111.322, it is not employment discrimination
3 because of conviction record to refuse to employ or license, or to bar or terminate from
4 employment or licensing, any individual who:

5 1. Has been convicted of any felony, misdemeanor or other offense the
6 circumstances of which substantially relate to the circumstances of the particular job
7 or licensed activity; or

8 2. Is not bondable under a standard fidelity bond or an equivalent bond where
9 such bondability is required by state or federal law, administrative regulation or
10 established business practice of the employer.

11 **SECTION 2.** 111.335 (1) (cg) 3. of the statutes is repealed.

12 **SECTION 3.** 111.335 (1) (cm) of the statutes is amended to read:

13 111.335 (1) (cm) Notwithstanding s. 111.322, it is not employment
14 discrimination because of conviction record to refuse to employ as an installer of
15 burglar alarms or to terminate from employment a person who has been convicted
16 of a felony and who has not been pardoned.

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

18 111.335 (1) (cp) Notwithstanding s. 111.322, it is not employment
19 discrimination because of conviction record to refuse to employ, or to bar or terminate
20 from employment, any individual who:

