

1999 SENATE BILL 238

September 21, 1999 – Introduced by Senators DARLING, FITZGERALD, A. LASEE, ROSENZWEIG and COWLES, cosponsored by Representatives GROTHMAN, WALKER, KLUSMAN, GUNDRUM, NASS, UNDERHEIM, STONE, URBAN, HAHN, KREIBICH, PORTER and VRAKAS. Referred to Committee on Judiciary and Consumer Affairs.

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

SENATE BILL 238

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, misdemeanor or other offense and who has not been pardoned.

17 **SECTION 4.** 565.02 (1) (b) (intro.) of the statutes is amended to read:

18 565.02 (1) (b) (intro.) Notwithstanding s. ss. 111.321, 111.322 and 111.335, no
19 person may serve as the administrator if he or she has been convicted of, or entered
20 a plea of guilty or no contest to, any of the following:

21 **SECTION 5.** 565.02 (2) (c) (intro.) of the statutes is amended to read:

