

**2001 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB4)**

Received: **02/07/2001**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Discrimination - employment**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Employment of certain felons by educational agency

**Instructions:**

Use same standard as for teacher licenses--s. 118.19 (4)

**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 02/07/2001	jdye 02/08/2001		_____			
/1			martykr 02/08/2001	_____	lrb_docadmin 02/08/2001	lrb_docadmin 02/08/2001	

FE Sent For:

<END>

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/?	malaigm	1 2/8 jld	2/8	RS 2 2/8			

FE Sent For:

<END>

2001

Date (time) needed

Soon

Date

LRBs 0028 / 1

GMM : jld :

**SUBSTITUTE AMENDMENT  
[TO A BILL]**

Use the appropriate components and routines developed for substitute amendments.

§ (A) **SUBSTITUTE AMENDMENT**

TO 2001 SB] (AB) 4 (LRB) ~~\_\_\_\_\_~~

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 #.**

Soon

500 28/1

2001 - 2002 LEGISLATURE

LRB-100571

GMM:jld:rs

D/Note

2001 ASSEMBLY BILL 4

January 16, 2001 - Introduced by Representatives PETROWSKI, STARZYK, PETTIS, BIES, JENSEN, MONTGOMERY, FRISKE, HUEBSCH, WALKER, MUSSER, HAHN, STONE, VRAKAS, PLALE, FREESE, LA FAVE, NASS, LEIBHAM, KESTELL, LADWIG, AINSWORTH, D. MEYER, HUNDERTMARK, TOWNSEND, MCCORMICK, OWENS, JESKEWITZ, GROTHMAN, HOVEN, DUFF, GRONEMUS, SKINDRUD, F. LASEE, GUNDERSON, KEDZIE, SUDER, KREIBICH, OTT, URBAN, LOEFFELHOLZ, J. FITZGERALD, LIPPERT and KRAWCZYK, cosponsored by Senators HUELSMAN, HARS DORF, SCHULTZ, ROESSLER, S. FITZGERALD and DARLING. Referred to Committee on Criminal Justice.

felons

certain

1

~~AN ACT to create 111.335 (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 an individual who has been convicted of a 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 an 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 county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, the Wisconsin Center for the Blind and Visually Impaired, 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, a charter school, an agency under contract with a school

**ASSEMBLY BILL 4**

board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

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) (d) of the statutes is created to read:

2           111.335 (1) (d) 1. In this paragraph, "educational agency" means a school  
3 district, a cooperative educational service agency, a county children with disabilities  
4 education board, a state correctional institution under s. 302.01, a secured  
5 correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,  
6 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
7 Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute,  
8 the Winnebago Mental Health Institute, a state center for the developmentally  
9 disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency  
10 under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private  
11 school or agency under contract with the board of school directors in a 1st class city  
12 under s. 119.235 (1).

13           2. Notwithstanding s. 111.322, it is not employment discrimination because of  
14 conviction record for an educational agency to refuse to employ or to terminate from  
15 employment an individual who has been convicted of a felony and who has not been  
16 pardoned for that felony.

(END)

Insert  
2-16 ✓

Insert 2-16

(20 #) , within 6<sup>✓</sup> years prior to the refusal to employ <sup>or</sup> ~~the~~ termination of employment, of a Class A, B, BC, C, or D felony under ch. 940 or 948, except §§. 940.02<sup>✓</sup> and 940.205<sup>✓</sup>, or of an equivalent crime in another state or country, for a violation that occurs on or after the effective date of this <sup>✓</sup> subdivision ~~in~~ [revisor inserts date], ~~and whose conviction~~ (20 #) who has not been pardoned for that felony, and whose conviction has not been reversed, set aside, or vacated (20 #) (20 #)

(ed & insert)

D-Note

Representative Staskunas:

(In the interim since

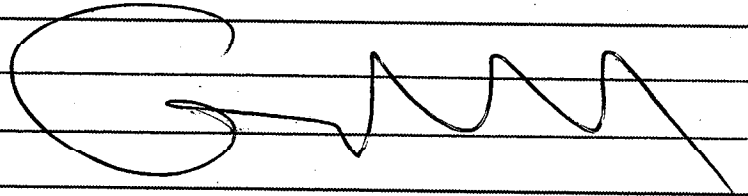
~~since~~ the effective date of s. 118.19 (4), the legislature

has created a new class of felonies known as a

Accordingly, this

Class BC felony. ~~the~~ draft includes Class BC

felonies as well as Class A, B, C, and D felonies.



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

LRBs0028/1dn  
GMM:jld:km

February 8, 2001

**Representative Staskunas:**

In the interim since the effective date of s. 118.19 (4), the legislature has created a new class of felonies known as a Class BC felony. Accordingly, this draft includes Class BC felonies as well as Class A, B, C, and D felonies.

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