

2001 DRAFTING REQUEST

Bill

Received: 12/21/2000

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Ed (Kaufert)

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: **Discrimination - employment**

Extra Copics:

Pre Topic:

No specific pre topic given

Topic:

Employment discrimination based on conviction record; exception for unpardoned felons

Instructions:

Redraft 1999 AB 469

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>
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			pgreensl 12/27/2000	_____			

FE Sent For:

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For: Dean Kaufert (608) 266-5719

By/Representing: Ed

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May Contact:

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1/?	malaigm	1/12/22 jld	12/22 pe	12/22 Self			

FE Sent For:

<END>

(Same)

-1621/1

2001 BILL

Regen

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

BILL

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~~ of the following:

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

8 2. Is An individual who is not bondable under a standard fidelity bond or an
9 equivalent bond ~~where~~ when such bondability is required by state or federal law; or
10 administrative regulation ~~or 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 renumbered 111.335 (1) (cm)
13 (intro.) and amended to read:

14 111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment
15 discrimination because of conviction record to refuse to employ ~~as an installer of~~
16 ~~burglar alarms a person, or to bar or terminate from employment, any of the~~
17 following:

18 1. An individual who has been convicted of a felony and who has not been
19 pardoned for that felony.

20 **SECTION 4.** 111.335 (1) (cm) 2. to 4. of the statutes are created to read:

BILL

1 111.335 (1) (cm) 2. An individual who has been convicted of a felony, the
2 circumstances of which substantially relate to the circumstances of the particular
3 job, and who has been pardoned for that felony.

4 3. An individual who has been convicted of a misdemeanor or other offense, the
5 circumstances of which substantially relate to the circumstances of the particular
6 job.

7 4. An individual who is not bondable under a standard fidelity bond or an
8 equivalent bond when such bondability is required by state or federal law,
9 administrative regulation, or established business practice of the employer.

10

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
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December 27, 2000

MEMORANDUM

To: Representative Kaufert Walker

Oked By:
Kaufert's
Office
02-27-01

From: Gordon M. Malaise, Senior Legislative Attorney

Re: LRB-1621 Employment discrimination based on conviction record; exception for unpardoned felons

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9738 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.