

Attached ...

Governor's Veto Message  
(07/24/2003)

**2003 Assembly Bill 41  
(vetoed in its entirety)**



**JIM DOYLE**  
GOVERNOR  
STATE OF WISCONSIN

---

July 24, 2003

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 41 in its entirety. This bill would allow educational agencies to refuse to hire or to terminate from employment any individual, regardless of their crime, how long ago it was committed, or what job they hold, who has been convicted of a felony and has not been pardoned. Current law states that an employer can refuse to hire or can terminate from employment a person based on a conviction record that substantially relates to the job in question.

I am vetoing this bill because Wisconsin's Fair Employment Act already provides employers broad discretion to determine whether a substantial relationship exists between a person's crime and the job at hand. Consequently, current law, properly interpreted, already permits educational agencies to refuse to hire convicted felons, as well as misdemeanants, who may pose a threat to the welfare of students.

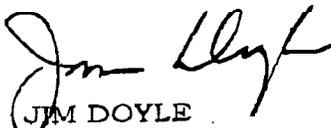
Statistics from the Department of Workforce Development reinforce the fact that current law provides employers significant discretion to determine whether a substantial relationship exists. According to the Equal Rights Division of the Department of Workforce Development, there were 320 complaints of conviction record discrimination in 2002, including 9 complaints against educational agencies. There were 28 findings of probable cause, none of which were against educational agencies, and only 1 finding of actual discrimination based on conviction record against a retail store. These statistics show that employers can currently consider conviction records without being found to discriminate.

By unnecessarily broadening current law, this bill would also subvert the state's ongoing efforts to promote greater public safety by rehabilitating individuals convicted of a felony. If a person is a convicted child molester, that person most certainly should be denied employment in a school. Current law gives educational agencies that authority. However, if a person's conviction is unrelated to employment, the mere fact that a person has been convicted of a felony at some point in his or her life should not necessarily disqualify them from employment.

Furthermore, this bill has no time limitations built into its provisions. An educational agency could deny employment to a qualified applicant or fire a current employee based on a felony conviction that occurred twenty-five or fifty years ago, regardless of a subsequent history of reform, employment, or contribution to the community.

It is well established that employment is a key crime prevention tool. Ex-offenders are much less likely to commit a new crime if they have steady employment. This bill, if it were to become law, would increase barriers for ex-offenders to secure and maintain employment and, as a result, has the very real potential to increase crime and jeopardize public safety.

Respectfully submitted,



JIM DOYLE  
Governor