

2003 SENATE BILL 58

March 5, 2003 – Introduced by Senators DARLING, KANAVAS, HARSDORF, S. FITZGERALD, KEDZIE and ROESSLER, cosponsored by Representatives PETROWSKI, NASS, ZIEGELBAUER, MONTGOMERY, PETTIS, LADWIG, STONE, SUDER, MUSSER, ALBERS, NISCHKE, HUNDERTMARK, FREESE, J. FITZGERALD, OLSEN, VAN ROY, GIELOW, LEMAHIEU, HUEBSCH, M. LEHMAN, HAHN, OWENS, D. MEYER, LOEFFELHOLZ, KESTELL, KREIBICH, M. WILLIAMS, TOWNSEND, KERKMAN, GROTHMAN, GUNDERSON, F. LASEE, WEBER, VUKMIR, J. WOOD and McCORMICK. Referred to Committee on Judiciary, Corrections and Privacy.

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 Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter

