

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 847**

March 2, 2004 – Offered by Representatives STASKUNAS and KRUSICK.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 8: after that line insert:

3 “**SECTION 2m.** 119.23 (7) (am) 3. of the statutes is created to read:

4 119.23 (7) (am) 3. Certification by the auditor under subd. 1. that criminal
5 background checks of all staff were conducted as specified in par. (g).”.

6 **2.** Page 2, line 11: delete lines 11 to 14 and substitute:

7 “119.23 (7) (d) Each private school participating in the program under this
8 section shall submit to the department all of the following:

9 1. By August 1 before the first school term of participation in the program, or
10 by May 1 if the private school begins participating in the program during summer
11 school, all of the following:”.

12 **3.** Page 2, line 15: substitute “a.” for “1.”.

1 **4.** Page 2, line 20: delete “subdivision” and substitute “subd. 1. a”.

2 **5.** Page 2, line 21: substitute “b.” for “2.”.

3 **6.** Page 2, line 22: substitute “c.” for “3.”.

4 **7.** Page 2, line 23: after that line insert:

5 “d. A notarized statement by a person legally authorized to act on behalf of the
6 private school that a criminal background check of each person who will be employed
7 by the private school when the school begins to participate in the program under this
8 section was conducted within the immediately preceding 5 years or will be conducted
9 before the school begins to participate, and will be conducted at least once every 5
10 years thereafter, using the procedure specified in par. (g).

11 2. Annually by February 1, a notarized statement by a person legally
12 authorized to act on behalf of the private school that the private school will conduct
13 criminal background checks as required in par. (g).

14 **SECTION 4g.** 119.23 (7) (e) of the statutes is created to read:

15 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
16 subd. 2. a private school participating in the program under this section may not
17 employ an individual convicted of any Class A, B, C, D, E, F, G, or H felony under ch.
18 940 or 948, except ss. 940.08 and 940.205, or of an equivalent crime in another state,
19 country, or United States jurisdiction, or of any Class BC felony under ch. 940 or 948,
20 1999 stats., or of an equivalent crime in another state, country, or United States
21 jurisdiction, for 6 years following the date of the conviction, and may employ such an
22 individual after 6 years only if the individual establishes by clear and convincing
23 evidence that he or she is entitled to be employed.

1 2. A private school participating in the program under this section may employ
2 an individual convicted of a crime enumerated in subd. 1., prior to the expiration of
3 the 6–year period following the conviction, if the private school receives from the
4 court in which the conviction occurred a certificate stating that the conviction has
5 been reversed, set aside, or vacated.

6 **SECTION 4r.** 119.23 (7) (g) of the statutes is created to read:

7 119.23 (7) (g) Each private school participating in the program under this
8 section shall conduct a criminal background check through the department of justice
9 on each person employed by the private school when the person is initially employed
10 and at least once every 5 years thereafter. If the person is a nonresident, the private
11 school shall require the person to be fingerprinted on 2 fingerprint cards, each
12 bearing a complete set of the person’s fingerprints, and shall submit the cards to the
13 department of justice. The department of justice may provide for the submission of
14 the fingerprint cards to the federal bureau of investigation for the purposes of
15 verifying the identity of the person fingerprinted and obtaining records of his or her
16 criminal arrests and convictions.”.

17 **8.** Page 3, line 2: substitute “succeeding” for “current”.

18 **9.** Page 3, line 7: delete “or (d)”.

19 **10.** Page 3, line 15: after “pupils” insert “or that the private school has failed
20 to provide the information required under sub. (7) (d) by the date or within the period
21 specified”.

22 **11.** Page 3, line 24: after that line insert:

23 **“SECTION 6m. Nonstatutory provisions.**

