



2003 ASSEMBLY BILL 353

May 20, 2003 - Introduced by Representatives HUNDERTMARK, ZIEGELBAUER, SUDER, NASS, HINES, LEMAHIEU, OWENS, SERATTI, GROTHMAN, J. FITZGERALD and VRAKAS, cosponsored by Senators DARLING, LEIBHAM and ROESSLER. Referred to Committee on Labor.

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

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.

ASSEMBLY BILL 353

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:

