Bill

Received: 01/05/2006 Wanted: As time permits For: John Ainsworth (608) 266-3097 This file may be shown to any legislator: NO May Contact:					Received By: phurley												
					Identical to LRB: By/Representing: Drafter: phurley Addl. Drafters:												
										Subject: Transportation - miscellaneous					Extra Copies:	ARG	
										Submit v	via email: YES						
										Requeste	er's email:	Rep.Ainsw	orth@legis	.state.wi.us			
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FE Sent For:

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lnorthro 01/18/2006

Bill

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Carbon copy (CC:) to:						
Pre Topic:							
No specific pre to	pic given						
Topic:							
Fingerprint backgr	round checks						
Instructions:							
See Attached							
Drafting History	•						
Vers. Drafted /? phurley	/ 1/	Typed Proofed	Submitted	<u>Jacketed</u>	Required		

Hurley, Peggy

From:

Redell, Carol

Sent:

Thursday, January 05, 2006 9:11 AM

To:

Hurley, Peggy

Subject: Rep. Ainsworth/ Fingerprint-based background checks for new DMV employees

January 5, 2006

Peggy ---

John has received a drafting request from the DOT that would implement fingerprint-based background checks for new Department of Motor Vehicle employees. I'm not certain if you would be the appropriate drafter for this subject. If not, perhaps you could forward it on. The suggested language and background is attached below. Please call me if you should have any questions.

Thank you,

Carol Redell Rep. Ainsworth's Office 6-3097

From: Egan, Erin

Sent: Wednesday, November 09, 2005 2:06 PM

To: Redell, Carol

Subject: Fingerprint-based background checks for new DMV employees

Hi Carol,

Thank you for taking the time to talk with me about DMV's proposal to conduct fingerprint-based background checks for new employees.

of. 125000.0015

DMV is responsible for safeguarding the public's personal information, the integrity and functionality of the DMV's computer operating systems, the integrity of the records created and maintained, and the accuracy and accountability of funds collected. To ensure this responsibility is met, DMV has been conducting name based background checks. This assures suitable candidates are placed into positions with access to sensitive information, computer systems, or funds, or positions that have authority to grant privileges, ownership, or identity. The name based background check is done through the Wisconsin Department of Justice, and checks for offenses committed in Wisconsin.

DMV would also like to conduct fingerprint-based background checks for potential employees. All original appointments would be provisional, pending the successful completion of a fingerprint based background check. The Federal Bureau of Investigation conducts fingerprint-based background checks, and checks for offenses committed nationwide. However, the FBI will only accept fingerprints for background checks if there is federal or state law that requires a fingerprint based background check, authorizes the submission of the fingerprints to the FBI for a national criminal history check, and provides that an authorized government agency be the recipient of the results of the background check. Currently, employees of the Wisconsin State Lottery are subject to fingerprint-based background checks, under s. 565.02 (2)(d).

To accomplish this change, s. 110.08 would have to be amended. This is the statute that specifically applies to DMV employees. Here's some sample language:

Any candidate who is new to state service and is selected to fill a vacant position within the department of

transportation, division of motor vehicles shall be subject to a background check including fingerprinting. The selected candidate shall be required to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

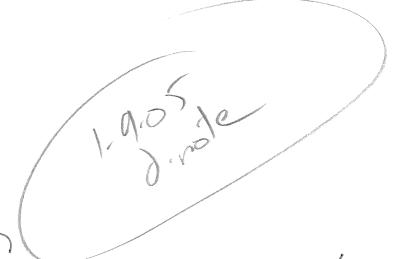
This proposal would have minor fiscal impacts for DMV. We hire approximately 30 - 40 people annually who are new to state service. The fingerprint based background check costs an additional \$25. As such, it would cost DMV \$750 - \$1000 annually, which could be absorbed in our existing budget.

Thank you for any help you can provide on this proposal. If you have any questions, or would like to meet to discuss this further, please give me a call at the number below.

Erin Egan Legislative Liaison Division of Motor Vehicles (608) 266-1449

LRB-4330/3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



ACT ...; relating to: background checks for certain department of

transportation employees.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation to perform a background criminal check, using fingerprint analyses by the Federal Bureau of Investigation, on any person who is hired to fill a position in the Division of Motor Vehicles (DMV). The bill does not require the background check on current DMV employees or any potential DMV employee who has been previously employed by the state.

For further information see the **state** 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:

SECTION 1. 85.165 of the statutes is created to read:

85.165 (Title. The department, with the assistance of the department of justice, shall conduct a background investigation of any person who has not been previously employed by the state and who has been selected to fill a position within the division of motor vehicles. The department shall require the person to be photographed and - of transportation

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SECTION 1

fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The department of shall reimburse the department of justice for the departments services under this paragraph.

SECTION 2. Initial applicability.

(1) This act first applies to persons who are selected to fill a position on the effective date of this subsection.

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(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-4330/3dn PJH:

Carol

Please note that I placed the proposed section in chapter 85 of the statutes, which governs the Department of Transportation, generally. Erin Eagan had recommended amending s. 110.08, but that section only applies to operator license examiners, not to all DMV employees. Please let me know if you would like any changes.

Peggy Hurley Legislative Attorney Phone: (608) 266–8906

E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-4330/P1dn PJH:jld:rs

January 18, 2006

Carol

Please note that I placed the proposed section in chapter 85 of the statutes, which governs the Department of Transportation, generally. Erin Egan had recommended amending s. 110.08, but that section only applies to operator license examiners, not to all DMV employees. Please let me know if you would like any changes.

Peggy Hurley Legislative Attorney Phone: (608) 266–8906

E-mail: peggy.hurley@legis.state.wi.us

Hurley, Peggy

From:

Redell, Carol

Sent:

Wednesday, January 25, 2006 1:15 PM

To:

Hurley, Peggy

Subject: Ainsworth/ Draft review: LRB 05-4330/P1 Topic: Fingerprint background checks

January 25, 2006

Peggy --

Is it possible for you to make the change (outlined below) as suggested by the DMV for LRB 05-4330/P1 relating to fingerprint background checks?

Thank you --

Carol Redell/Ainsworth's Office 6-3097

From: Egan, Erin

Sent: Friday, January 20, 2006 3:49 PM

To: Redell, Carol

Subject: RE: Draft review: LRB 05-4330/P1 Topic: Fingerprint background checks

Hi Carol,

The draft looks good. The only change we suggest is on page 2, line 1. Can we strike the words "photographed and"?? DOJ/FBI does not need a photograph of the person to conduct the fingerprint background check.

Thank you so much for helping us out with this bill! Let me know if you have any questions.

Erin Egan Legislative Liaison Division of Motor Vehicles

(608) 266-1449

----Original Message----

From: Redell, Carol [mailto:Carol.Redell@legis.state.wi.us]

Sent: Wednesday, January 18, 2006 9:48 AM

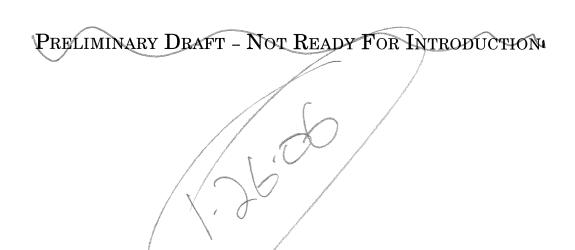
To: Egan, Erin

Subject: FW: Draft review: LRB 05-4330/P1 Topic: Fingerprint background checks

Erin -- Please find attached the draft for the fingerprint-based background legislation which you requested. Please review the draft, along with the drafter's note, and let me know if it meets with your approval.

Carol Redell, Committee Clerk Assembly Transportation Committee Office of Rep. John Ainsworth

2005 - 2006 LEGISLATURE



AN ACT to create 85.165 of the statutes; relating to: background checks for

certain Department of Transportation employees.

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Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation to perform a background criminal check, using fingerprint analyses by the Federal Bureau of Investigation, on any person who is hired to fill a position in the Division of Motor Vehicles (DMV). The bill does not require the background check on current DMV employees or any potential DMV employee who has been previously employed by the state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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department of transportation shall require the person to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The department of transportation shall reimburse the department of justice for its services under this section.

SECTION 2. Initial applicability.

(1) This act first applies to persons who are selected to fill a position on the effective date of this subsection.

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(END)

Emery, Lynn

From:

Sent: To:

Subject:

Redell, Carol Tuesday, January 31, 2006 10:08 AM LRB.Legal Draft Review: LRB 05-4330/1 Topic: Fingerprint background checks

Please Jacket LRB 05-4330/1 for the ASSEMBLY.