

2005 DRAFTING REQUEST

Bill

Received: **01/05/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Ainsworth@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Fingerprint background checks

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/09/2006	jdye 01/18/2006		_____			State
/P1	phurley 01/26/2006	jdye 01/27/2006	rschluet 01/18/2006	_____	lnorthro 01/18/2006		State
/1			pgreensl 01/27/2006	_____	sbasford 01/27/2006	lemery 01/31/2006	

FE Sent For:

<END>

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/?

phurley

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1186
JF

<END>

FE Sent For:

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.

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

01/05/2006

3357 - op. license examiners

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

PI
Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1-9-05
J. note

Gen

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2

AN 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:

Background investigations

3
4
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6
7

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

85.165 Title. The department of transportation 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
of transportation

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

of transportation

its department's

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.

(END)

d-note
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4330/2dn

PJH:.....

PI
JLD

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

01/26/2006

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1-26-06

Regen

1 AN ACT *to create* 85.165 of the statutes; **relating to:** background checks for
2 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:

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

4 **85.165 Background investigations.** The department of transportation,
5 with the assistance of the department of justice, shall conduct a background
6 investigation of any person who has not been previously employed by the state and
7 who has been selected to fill a position within the division of motor vehicles. The

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

9 **SECTION 2. Initial applicability.**

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

12 (END)

Emery, Lynn

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

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