

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3314/1dn  
GMM:lmk:nwn

December 11, 2007

Representative Schneider:

By removing the condition that the information concerning the criminal charge or conviction be obtained from a computerized database, you are in effect making it a Class I felony to discriminate in employment or housing based on arrest or conviction record, regardless of the source of the information. Discrimination in employment based on arrest or conviction record already is prohibited. Discrimination in housing on those bases is not. Accordingly, this redraft does all of the following:

1. Prohibits discrimination in housing based on an arrest or conviction record that is more than three years old.
2. Makes such discrimination in housing and discrimination in employment based on arrest or conviction record Class I felonies.

As you will see when you review the analysis, current law already provides for a \$10,000 forfeiture for discrimination in housing. Accordingly, you arguably do not need to make discrimination in housing based on arrest or conviction record a Class I felony in that the monetary penalties are the same. If you chose to go with the forfeiture, then on redraft we could also provide for a \$10,000 forfeiture, rather than a Class I felony, for discrimination in employment based on arrest or conviction record.

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