

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

LRB-3314/P1dn  
RLR:lmk:rs

November 26, 2007

Rep. Schneider:

Please review this bill to determine whether it accomplishes your intent.

This bill imposes a criminal penalty on a person who discriminates using information obtained from a computerized database, but does not impose a penalty if the person discriminates using the same information obtained from another source, such as the court, a newspaper, or from another person who may have obtained the information from a computerized database. This disparity might be challenged as a violation of the equal protection clause of the U.S. or Wisconsin constitution. The court applies heightened scrutiny when reviewing laws that affect fundamental rights, such as due process in criminal proceedings. If the court applies heightened scrutiny, the state would have to show a compelling governmental interest for the disparity in order to uphold the law.

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