

2007 DRAFTING REQUEST

Bill

Received: 10/24/2006

Received By: gmalaise

Wanted: As time permits

Identical to LRB: \_\_\_\_\_

For: Alberta Darling (608) 266-5830

By/Representing: Tom Petri

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Discrimination

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Employment discriminatin based on conviction record; exception for educational agencies

Instructions:

See Attached--redraft 2005 SB 151

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>
/?	gmalaise 10/24/2006	jdye 10/25/2006		_____			S&L
/1	cduerst 01/16/2007		rschluet 10/25/2006	_____	lparisi 10/25/2006	cduerst 01/16/2007	

FE Sent For: "11"  
at intro.  
01-19-2007

<END>

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/?	gmalaise	1 10/24 jld					

FE Sent For:

<END>

**Malaise, Gordon**

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**From:** Petri, Tom  
**Sent:** Friday, October 20, 2006 3:21 PM  
**To:** Malaise, Gordon  
**Subject:** Felons in Schools bill

Gordon,

Can you prepare a new draft of amended 2005 SB 151 for Senator Darling to introduce in the 2007-09 session?

Thank you.

Tom-

*Tom Petri  
Office of State Senator Alberta Darling  
316-South - State Capitol  
608-266-5830 / 1-800-863-1113*

0573/1  
LRB-2410/1  
GMM: pg  
Jla

7  
**2005 SENATE BILL 151**

~~March 30, 2005 - Introduced by Senators DARLING, A. LASEE, LAZICH, LEIBHAM, KANAVAS, HARSDORF, ROESSLER, GROTHMAN and BROWN, cosponsored by Representatives PETROWSKI, NASS, GUNDRUM, BIES, NISCHKE, TOWNSEND, PRIDEMORE, KLEEFISCH, PETTIS, VOS, LOTHIAN, KERKMAN, HONADEL, SUDER, MONTGOMERY, HINES, WOOD, KRAWCZYK, J. FITZGERALD, HAHN, BALLWEG, VRAKAS, MCCORMICK, MOULTON, GARD, GUNDERSON, MUSSER, JENSEN, M. WILLIAMS, ALBERS, OWENS, F. LASEE, VUKMIR, ZIEGELBAUER, STONE, HUNDERTMARK, FREESE, GIELOW, HUEBSCH, LOEFFELHOLZ, KESTELL and KREIBICH. Referred to Committee on Education.~~

Gen

1 AN ACT *to create* 111.335 (1) (d) of the statutes; **relating to:** permitting an  
2 educational agency to refuse to employ or to terminate from employment an  
3 unpardoned felon. ✓

***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 terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This bill specifies that it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to 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. ✓ residential care center for children and youth prison ✓

Under the bill, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state ~~correctional institution~~, a juvenile ~~secured~~ secured correctional facility, a secured ~~child caring institution~~, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter

**SENATE BILL 151**

school, an agency under contract with a school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

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) (d) of the statutes is created to read:

2           111.335 (1) (d) 1. In this paragraph, "educational agency" means a school  
3 district, a cooperative educational service agency, a county children with disabilities  
4 education board, a state correctional institution under s. 302.01, a secured  
5 correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,  
6 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
7 Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of  
8 Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health  
9 Institute, a state center for the developmentally disabled, a private school, a charter  
10 school, a private, nonprofit, nonsectarian agency under contract with a school board  
11 under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract  
12 with the board of school directors in a 1st class city under s. 119.235 (1).

13           2. Notwithstanding s. 111.322, it is not employment discrimination because of  
14 conviction record for an educational agency to refuse to employ or to terminate from  
15 employment an individual who has been convicted of a felony and who has not been  
16 pardoned for that felony.

(END)

Handwritten notes in a box on the right side of the page:  
 - "Prison" circled above "state correctional institution"  
 - "Juvenile" circled above "secured child caring institution"  
 - "residential care center for children and youth" written in a box next to "secured child caring institution"  
 - "15m" circled above "s. 938.02 (15m)"  
 - Checkmarks are placed next to several terms in the list.

**Duerst, Christina**

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**From:** Risch, Jay  
**Sent:** Tuesday, January 16, 2007 9:26 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0573/1 Topic: Employment discriminatin based on conviction record; exception for educational agencies

Please Jacket LRB 07-0573/1 for the SENATE.