SENATE BILL 464 (LRB -4031)

An Act to amend 440.03 (13) (b) (intro.); and to create 440.15 of the statutes; relating to: prohibiting fingerprinting in connection with professional credentials issued by the Department of Safety and Professional Services or an examining board or affiliated credentialing board, except as provided in the statutes, and requiring the exercise of rule-making authority.

2012

02-13.	S.	Introduced by Senator Galloway; cosponsored by Representatives Severson, Litjens, Steineke,					
		Spanbauer and Weininger.					
02-13.	S.	Read first time and referred to committee on Labor, Public Safety, and Urban Affairs	697				
02-28.	S.	Public hearing held.					
03-01.	S.	Executive action taken.					
03-01.	S.	Report passage recommended by committee on Labor, Public Safety, and Urban Affairs, Ayes 3, Noes 2	749				
03-01.	S.	Available for scheduling.					
03-05.	S.	Placed on calendar 3-6-2012 pursuant to Senate Rule 18(1)	756				
03-06.	S.	Read a second time	768				
03-06.	S.	Ordered to a third reading	768				
03-06.	S.	Rules suspended	768				
03-06.	S.	Read a third time and passed, Ayes 17, Noes 16	768				
03-06.	S.	Ordered immediately messaged	770				
03-06.	A.	Received from Senate					
03-06.	A.	Read first time and referred to committee on Rules	878				
03-06.	Α.	Made a special order of business at 12:06 P.M. on 3-13-2012 pursuant to Assembly Resolution 22	896				
03-15.	A.	Read a second time.					
03-15.	A.	Ordered to a third reading.					
03-15.	Α.	Rules suspended.					
03-15.	A.	Read a third time and concurred in, Ayes 68, Noes 26, Paired 2.					
03-15.	A.	Ordered immediately messaged.					
03-16.	S.	Received from Assembly concurred in.					

	DOCUMENTS:	SubAmdt _		11-4031/1
Amendme	nts to above (if	none, write "NONE'	"): None	
Correction	ns - show date (if none, write "NON	E"): Non	<u>e</u>
Topic	Rel			
		$\frac{3-/9-12}{\text{Date}}$	Sold Enroll	ing Drafter



State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 464

February 13, 2012 – Introduced by Senator Galloway, cosponsored by Representatives Severson, Litjens, Steineke, Spanbauer and Weininger. Referred to Committee on Labor, Public Safety, and Urban Affairs.

AN ACT to amend 440.03 (13) (b) (intro.); and to create 440.15 of the statutes;
relating to: prohibiting fingerprinting in connection with professional
credentials issued by the Department of Safety and Professional Services or an
examining board or affiliated credentialing board, except as provided in the
statutes, and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Safety and Professional Services (DSPS) and examining boards and affiliated credentialing boards under DSPS administer Wisconsin's professional credentialing laws. Current law requires DSPS to obtain fingerprints from the following persons:

- 1. An applicant for a private detective license or private security permit.
- 2. An applicant for a juvenile martial arts instructor permit.
- 3. An applicant for or a holder of numerous other professional credentials in connection with an investigation by DSPS concerning whether an applicant or credential holder has been charged with or convicted of a crime.

Those fingerprints may be submitted by the department of justice to the federal bureau of investigation to verify the identity of the person fingerprinted and obtain records of the person's criminal history, if any.

This bill prohibits DSPS or an examining board or affiliated credentialing board from requiring that an applicant for or a holder of a professional credential issued by DSPS or a board submit fingerprints in connection with that credential,

SENATE BILL 464

except as described above with respect to DSPS. The bill also requires that DSPS promulgate rules that establish the criteria DSPS will use to determine whether an investigation concerning a credential applicant's or credential holder's arrest or conviction record is necessary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.03 (13) (b) (intro.) of the statutes is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c):

SECTION 2. 440.15 of the statutes is created to read:

440.15 No fingerprinting. Except as provided under s. 440.03 (13) (c), the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

13

1

2

3

4

5

6

7

8

9

10

11

12