



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 614

Assembly Amendment 1

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ASSEMBLY BILL 614

Assembly Bill 614 creates a certificate of qualification for employment (CQE) that is granted by the Parole Commission. The CQE provides relief to an offender from a collateral sanction, which is a penalty, ineligibility, disability, or disadvantage related to employment or occupational licensing or certification resulting from the offender's criminal record. However, the CQE does not provide relief related to certain work, or relief related to employment or occupational licensing or certification that is substantially related to the offender's crime.

The bill creates a procedure for an offender to apply for a CQE. A court must determine whether an offender is eligible to apply for a CQE at the time the offender is sentenced. However, an offender who is convicted of a violent crime is automatically ineligible. An eligible offender may apply for a CQE six months after he or she is sentenced. An offender initially submits the application to the Department of Corrections (DOC), which assigns an employee to conduct an investigation and determine whether to recommend to the Parole Commission that the offender receive a CQE. The Parole Commission must conduct a hearing to consider recommended applications and determine whether to issue a CQE.

The bill also provides immunity from liability for employers who hire CQE holders. Under the bill, an employer who hires an employee who was issued a CQE is immune from liability for acts or omissions of the employee unless the employer, when he or she hired the offender, acted maliciously, with gross negligence, or with intent to cause harm.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes several changes to the procedure for offenders to apply for a CQE. First, the amendment changes the timeline for when an eligible offender may apply. An eligible offender may apply for a CQE when: (1) less than 12 months remain on his or her

term of confinement in prison, if the offender is incarcerated and eligible for release to extended supervision; (2) less than 12 months remain on his or her sentence, if the offender is on extended supervision or probation; or (3) the Parole Commission recommends, if the offender is eligible for parole.

Second, Assembly Amendment 1 requires the DOC investigator reviewing a CQE application to consider information in the offender's presentence investigation report (PSI), the results of the DOC risk and needs assessment of the offender, and the offender's conduct while incarcerated. The amendment also requires the sentencing court to consider information contained in the PSI when determining whether the offender is eligible to apply for a CQE. If no PSI was prepared for the offender, the court may request that DOC prepare one for determining eligibility to apply for a CQE.

Finally, Assembly Amendment 1 eliminates the requirement for the Parole Commission to hold a hearing before making a determination on whether to issue a CQE to an offender. The amendment also provides that an offender may not seek review of the Parole Commission's determination.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Knudson on January 22, 2016. The Assembly Committee on Corrections recommended adoption of the amendment on February 2, 2016, on a vote of Ayes, 5; Noes, 3. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

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