

# State of Wisconsin



2017 Senate Bill 604

Date of enactment: **March 28, 2018**

Date of publication\*: **March 29, 2018**

## 2017 WISCONSIN ACT 154

AN ACT *to create* 16.705 (1s), 66.05015, 230.06 (1) (o) and 230.06 (1m) of the statutes; **relating to:** fingerprinting and conducting background investigations of employees in the state civil service or of a political subdivision, and of individuals performing contractual services for the state, who have access to federal tax information.

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

**SECTION 1.** 16.705 (1s) of the statutes is created to read:

16.705 (1s) If contractual services are purchased by the department or its agent that would require an individual performing the services to have access to federal tax information received directly from the federal Internal Revenue Service or from a source that is authorized by the federal Internal Revenue Service, a background check shall be performed on each individual performing the services. The background investigation may include requiring the individual to be fingerprinted on 2 fingerprint cards each bearing a complete set of the individual's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit any such fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the individual fingerprinted and obtaining records of his or her criminal arrests and convictions.

**SECTION 2.** 66.05015 of the statutes is created to read:

**66.05015 Background investigation.** (1) In this section, "political subdivision" means a city, village, town, or county.

(2) (a) 1. Notwithstanding ss. 111.321, 111.322, and 111.335 and with the assistance of the department of jus-

tice, a political subdivision shall conduct a background investigation of any person, including a person appointed under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63, selected to fill a position with the political subdivision and, who, in fulfilling the duties of the position, will have access to federal tax information received directly from the federal Internal Revenue Service or from a source that is authorized by the federal Internal Revenue Service.

2. Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval determined appropriate by the political subdivision, a political subdivision may conduct additional background investigations of any person, including a person appointed under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63, for whom an initial background investigation has been conducted under subd. 1. and background investigations of any other person, including a person appointed under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63, employed by the political subdivision who, in fulfilling the duties of his or her position, has access to federal tax information received directly from the federal Internal Revenue Service or from a source that is authorized by the federal Internal Revenue Service.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) A background investigation under this section may include requiring the person to be fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit any such fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

**SECTION 3.** 230.06 (1) (o) of the statutes is created to read:

230.06 (1) (o) Notwithstanding ss. 111.321, 111.322, and 111.335 and with the assistance of the department of justice, conduct a background investigation of any person selected to fill a position in the civil service, who, in fulfilling the duties of the position, will have access to federal tax information received directly from the federal Internal Revenue Service or from a source that is authorized by the federal Internal Revenue Service. The background investigation may include requiring the person to be fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit any such fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

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**SECTION 4.** 230.06 (1m) of the statutes is created to read:

230.06 (1m) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval determined appropriate by the director, an appointing authority may conduct, in the manner specified in sub. (1) (o), additional background investigations of any person for whom an initial background investigation has been conducted under sub. (1) (o) and background investigations of any other person employed by the appointing authority who, in fulfilling the duties of his or her position, has access to federal tax information received directly from the federal Internal Revenue Service or from a source that is authorized by the federal Internal Revenue Service.

**SECTION 5. Initial applicability.**

(1) The treatment of section 16.705 (1s) of the statutes first applies to a contract that is entered into, renewed, or modified on the effective date of this subsection.

(2) The treatment of sections 66.05015 (2) (a) 1. and 230.06 (1) (o) of the statutes first applies to a person selected to fill a position in the civil service or with a political subdivision on the effective date of this subsection.

**SECTION 5m. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.