
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 69

Assembly Amendment 1

2021 ASSEMBLY BILL 69

Under current law, a court may order at the time of sentencing that the criminal court record of a conviction be expunged if the offender was under the age of 25 when he or she committed the crime, the crime is punishable by no more than six years imprisonment, the offender successfully completes the sentence, and the court determines the person will benefit and society will not be harmed by the expungement. Current law specifies that certain crimes are ineligible for expungement.

2021 Assembly Bill 69 removes the age limit and allows a person, one year after he or she successfully completes a sentence, to petition the court for expungement of the court record related to his or her conviction. Under the bill, a court may enter an order for expungement at sentencing or may order that the record is ineligible for expungement. Under the bill, in addition to the crimes that are ineligible for expungement under current law, most offenses related to traffic are ineligible and a person may only have one record expunged in his or her lifetime. The bill creates a process for expungement, including notification of the victim and the prosecuting, review by a court, and limiting a person to two applications for expungement.

The bill also provides that, if a record is expunged of a crime, that crime is not considered a conviction for employment purposes. Under the bill, employment discrimination because of a conviction record includes requesting a person to supply information regarding a crime if the record has been expunged of the crime. However, the bill provides that it is not employment discrimination because of conviction record for the Law Enforcement Standards Board to consider a conviction that has been expunged with respect to applying any standard or requirement for the certification, decertification, or required training of law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 adds the following to the list of crimes that are ineligible for expungement: Class I stalking offenses, property damage to a business, criminal trespass to a dwelling, and violation of a domestic abuse injunction or restraining order.

BILL HISTORY

Assembly Amendment 1 was introduced by Representative Horlacher on May 25, 2021. On May 27, 2021, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the amendment on a vote of Ayes, 8; Noes, 6. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 14; Noes, 0.

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