



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 151 [2003 Senate Bill 103]	Criminal Background Investigations by the Department of Regulation and Licensing
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

The Department of Regulation and Licensing (DRL) regulates the credentialing of numerous professions in the state. In doing so, DRL investigates applicants for certain professional credentials to determine whether the applicants satisfy the eligibility requirements for the credentials. Many of the state's credentialing laws restrict the ability of persons with certain conviction or arrest records to obtain a credential. For example, a person may not be issued a private detective or private security license by DRL if the person has been convicted of a felony for which he or she has not been pardoned. For other credentials, a person may not be eligible for a credential, or may have a credential suspended or revoked, if he or she has an arrest or conviction, the circumstances of which substantially relate to the credentialed activity.

In the past, DRL often required an applicant for a credential to provide to it any information necessary for DRL to investigate the person's arrest and conviction record background. In conducting such investigations, DRL obtained criminal histories from other states from the Federal Bureau of Investigation (FBI) via the Wisconsin Department of Justice (DOJ). Generally, the costs of such investigations are charged to the applicant being investigated.

In 2002, the FBI advised DRL that state law needed to be revised so as to be consistent with federal policy and regulations in order to allow the FBI to continue processing these criminal background requests.

2003 Wisconsin Act 151 responds to this FBI advice. The Act specifies that DRL may conduct an investigation into whether an applicant for or holder of a credential issued by DRL has been charged with or convicted of a crime *only pursuant to rules promulgated by DRL*. The credentials to which this requirement applies are listed in the Act.

In addition, the Act directs DRL to require an applicant for a private detective license or a private security permit and any other applicant or credential holder for whom DRL conducts an investigation, to

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

be photographed and fingerprinted on two fingerprint cards. Each card must bear a complete set of the person's fingerprints. DOJ is authorized to submit the fingerprint cards to the FBI for the purpose of verifying the person's identity and to obtain records of their criminal arrests and convictions.

Effective Date: Act 151 takes effect on July 1, 2004.

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