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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** January 29, 2020

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**2019 Senate Bill 34**

**Senate  
Amendment 1**

### 2019 SENATE BILL 34

2019 Senate Bill 34 establishes a process for a person who has been convicted of a crime, other than a violent crime, to apply for a certificate of qualification for employment (CQE). A CQE is defined to mean “a certificate issued by the council on offender employment that provides an offender with relief from a collateral sanction,” subject to certain exceptions. An offender who has been released from confinement may apply to the council on offender employment for a CQE if any of the following applies:

- He or she has served at least 24 consecutive months of a term of confinement in the Wisconsin state prisons.
- He or she has served at least 12 consecutive months of a term of confinement in prison in the Wisconsin state prisons and at least 12 consecutive months of a term of extended supervision.

The bill specifies that the council on offender employment shall consist of the attorney general, the state public defender, and the chairperson of the parole commission, or the designee of any of these officials. Under the bill, the council on offender employment shall grant an offender’s application for a CQE if the council finds that the applicant is not likely to pose a risk to public safety, that the certificate will substantially assist the offender in obtaining employment or occupational licensing or certification, and that the offender is less likely to commit an additional criminal offense if he or she obtains a CQE.

The bill provides that an employer who hires an employee who has been issued a CQE is immune from liability for the acts or omissions of the employee unless the employer, when he or she hired the employee acted maliciously, with gross negligence or with intent to cause harm.

### SENATE AMENDMENT 1

Senate Amendment 1 narrows the scope of the immunity from liability provided by the bill. Under the amendment, an employer who has hired an employee with a CQE is immune in any proceeding on a claim against the employer for negligent hiring of that employee unless the employer, when he or she hired the employee, acted maliciously, with gross negligence, or with intent to cause harm.

### BILL HISTORY

Senator Darling offered Senate Amendment 1 to 2019 Senate Bill 34 on September 23, 2019. On September 25, 2019, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendment 1 and passage of Senate Bill 34, as amended.

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