



State of Wisconsin
2023 - 2024 LEGISLATURE

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**SENATE AMENDMENT 1,
TO SENATE BILL 38**

May 10, 2023 - Offered by Senator CABRAL-GUEVARA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 14: after that line insert:

3 “**SECTION 3g.** 111.335 (3) (h) of the statutes is created to read:

4 111.335 (3) (h) Notwithstanding s. 111.322, if an employer is required by
5 federal law or by a contract with the federal government to inquire into the criminal
6 history of an individual for purposes of employment, and is prohibited by such law
7 or contract from employing individuals with certain criminal convictions, including
8 employers engaged in the business of insurance under 18 USC 1033 and 1034, it is
9 not employment discrimination because of a conviction record for such an employer
10 to do any of the following:

11 1. Request an applicant, employee, or contractor to supply in writing
12 information regarding a crime, the record of which has been expunged under s.
13 973.015.

1 2. Refuse to employ, or terminate the employment or contract of, an individual
2 whose conviction record has been expunged under s. 973.015, or who refuses to
3 supply information about such an expunged conviction record, if the employer is
4 prohibited from employing such an individual.

5 **SECTION 3r.** 111.335 (3) (i) of the statutes is created to read:

6 111.335 **(3)** (i) If requested by an employer that is prohibited by federal law or
7 by a contract with the federal government from employing individuals who have
8 been convicted of certain crimes, an individual who is granted an expungement
9 under s. 973.015 shall disclose the expunged criminal conviction for either of the
10 following purposes:

11 1. Employment with an employer engaged in the business of insurance, for the
12 purpose of complying with 18 USC 1033 and 1034, or other federal law that requires
13 exclusion of certain individuals from employment.

14 2. Employment with an employer that is required to exclude individuals with
15 certain criminal convictions from employment pursuant to a contract with the
16 federal government.”.

17 **2.** Page 5, line 15: delete “Upon receipt of the petition,” and substitute “For an
18 initial petition, unless the person submits an affidavit swearing that he or she is
19 unable to pay the fee and the court waives it, the person shall pay to the clerk of
20 circuit court a \$20 fee to be retained for the use of the county. For a 2nd petition
21 regarding the same record, the person shall pay to the clerk of circuit court a \$100
22 fee to be retained for the use of the county. Upon receipt of a petition,”.

