



2019 SENATE BILL 421

September 17, 2019 - Introduced by Senators L. TAYLOR, CARPENTER, RINGHAND, WIRCH and JOHNSON, cosponsored by Representatives C. TAYLOR, STUBBS, HEBL, ANDERSON, CROWLEY, ZAMARRIPA, SINICKI, BOWEN, L. MYERS, CONSIDINE, SPREITZER, NEUBAUER, BILLINGS, SARGENT, SUBECK, OHNSTAD, EMERSON, CABRERA, GRUSZYNSKI and BROSTOFF. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to renumber* 111.335 (3) (a); *to amend* 111.335 (4) (b), 111.335 (4) (c) 1.
2 (intro.), 111.335 (4) (e) and 111.335 (4) (f) 1.; and *to create* 111.335 (3) (ag) of
3 the statutes; **relating to:** prohibiting consideration of the conviction record of
4 an applicant for employment before the applicant has been selected for an
5 interview.

Analysis by the Legislative Reference Bureau

This bill provides that employment discrimination because of conviction record includes requesting an applicant for employment, on an application form or otherwise, to supply information regarding the conviction record of the applicant, or otherwise inquiring into or considering the conviction record of an applicant for employment, before the applicant has been selected for an interview by the prospective employer.

The bill, however, does not prohibit an employer from notifying applicants for employment that an individual with a particular conviction record may be disqualified by law or the employer's policies from employment in particular positions.

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

SENATE BILL 421**SECTION 1**

1 **SECTION 1.** 111.335 (3) (a) of the statutes is renumbered 111.335 (3) (ar).

2 **SECTION 2.** 111.335 (3) (ag) of the statutes is created to read:

3 111.335 (3) (ag) 1. Employment discrimination because of conviction record
4 includes requesting an applicant for employment, on an application form or
5 otherwise, to supply information regarding the conviction record of the applicant, or
6 otherwise inquiring into or considering the conviction record of an applicant for
7 employment, before the applicant has been selected for an interview by the
8 prospective employer.

9 2. Subdivision 1. does not prohibit an employer from notifying applicants for
10 employment that, subject to this section and ss. 111.321 and 111.322, an individual
11 with a particular conviction record may be disqualified by law or under the
12 employer's policies from employment in particular positions.

13 **SECTION 3.** 111.335 (4) (b) of the statutes is amended to read:

14 111.335 (4) (b) It is employment discrimination because of conviction record for
15 a licensing agency to refuse to license any individual under sub. (3) ~~(a)~~ (ar) 1. or to
16 bar or terminate an individual from licensing under sub. (3) ~~(a)~~ (ar) 1. because the
17 individual was adjudicated delinquent under ch. 938 for an offense other than an
18 exempt offense.

19 **SECTION 4.** 111.335 (4) (c) 1. (intro.) of the statutes is amended to read:

20 111.335 (4) (c) 1. (intro.) If a licensing agency refuses to license an individual
21 under sub. (3) ~~(a)~~ (ar) 1. or bars or terminates an individual from licensing under sub.
22 (3) ~~(a)~~ (ar) 1., the licensing agency shall, subject to subd. 2., do all of the following:

23 **SECTION 5.** 111.335 (4) (e) of the statutes is amended to read:

24 111.335 (4) (e) A state licensing agency that may refuse to license individuals
25 under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate an individual from licensure

SENATE BILL 421

1 under sub. (3) ~~(a)~~ (ar) 1. shall publish on the agency's Internet site a document
2 indicating the offenses or kinds of offenses that may result in such a refusal, bar, or
3 termination.

4 **SECTION 6.** 111.335 (4) (f) 1. of the statutes is amended to read:

5 111.335 (4) (f) 1. A state licensing agency that may refuse to license individuals
6 under sub. (3) ~~(a)~~ (ar) 1. or that may bar or terminate individuals from licensing
7 under sub. (3) ~~(a)~~ (ar) 1. shall allow an individual who does not possess a license to,
8 without submitting a full application and without paying the fees applicable to
9 applicants, apply to the agency for a determination of whether the individual would
10 be disqualified from obtaining the license due to his or her conviction record.

11 **SECTION 7. Initial applicability.**

12 (1) CONSIDERATION OF CONVICTION RECORD. This act first applies to an application
13 for employment submitted to an employer on the effective date of this subsection.

14 **SECTION 8. Effective date.**

15 (1) CONSIDERATION OF CONVICTION RECORD. This act takes effect on the first day
16 of the 6th month beginning after publication.

17 (END)