Possible policy regarding the consideration of arrest and conviction records when processing operator's licenses.

The purpose of this policy would be to provide direction to the City Clerk and Police Department regarding what arrest and conviction record information would justify review by the Public Safety Committee and City Council.

1. **Background Investigation:** Police Department is responsible to conduct the background investigation.

2. **Arrest and conviction history evaluation:** This will need to be done by either the PD or the Clerk's office. (PD is likely in a better position to do the evaluation.)

    a. No *arrest* record information will be considered unless it is for a pending criminal charge, and it is for an "exempt offense" under Wis. Stat. § 111.335 (1m)(b).

    b. A single, non-felony conviction will not be considered.[1] For non-felonies, no conviction would be considered unless there is more than one conviction, or a combination of conviction and a pending criminal charge for an exempt offense, within the past three years.

    c. No conviction older than [three?] years will be considered, so long as the requirements for rehabilitation and fitness under Wis. Stat. § 111.335(4)(d)1.a. or b, if applicable, have been satisfied.

    d. Once a person reaches age 25, no convictions occurring before age 25 will be considered, so long as any applicable requirements for rehabilitation and fitness under Wis. Stat. § 111.335(4)(d)1.a. or b have been satisfied.[2]

    e. Convictions for moving violations will not be considered, unless for operating while impaired by, or with prohibited concentrations of, alcohol.

    f. Convictions for operating while suspended or revoked will not be considered.

    g. An applicant's failure to disclose their complete arrest and conviction history will not be considered.

    h. A conviction shall not be considered if the person meets the requirements for rehabilitation and fitness under Wis. Stat. § 111.335(4)(d)1.a. or b.

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[1] The League has interpreted the statute to require more than a single, non-felony conviction.

[2] The pre-frontal cortex should be developed by age 25.