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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

McAdams, Nancy

From: McAdams, Nancy
Sent: Friday, October 02, 2009 9:03 AM
To: Polzin, Cindy M - DOJ
Subject: CIB Information

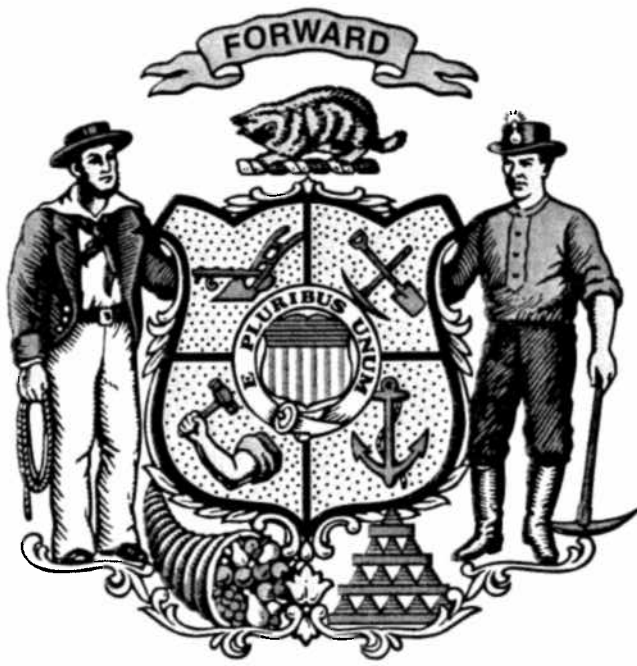
AB 340
Folder

Hello Cindy,

I talked to Rep. Turner about your offer to provide some additional information about this system, and he asked if you could. He would like to distribute it to the members of the Criminal Justice Committee. Thank you very much.

Sincerely,

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



McAdams, Nancy

From: McAdams, Nancy
Sent: Tuesday, October 06, 2009 4:41 PM
To: Polzin, Cindy M - DOJ
Subject: RE: CIB Information

There are not any immediate time constraints, but I think Rep. Turner would like to send the information to the Committee while the hearing is somewhat fresh in their minds. No executive session is planned for the bill at this time. Thanks again.

Nancy McAdams

From: Polzin, Cindy M. [<mailto:polzincm@doj.state.wi.us>]
Sent: Tuesday, October 06, 2009 4:38 PM
To: McAdams, Nancy
Subject: RE: CIB Information

AB 340
Folder

Hi Nancy –

We will certainly put something together on our end. Any time constraints on your end? I'd like to get this to you in plenty of time before considering to exec on the bill allowing members to ask questions and the like.....

From: McAdams, Nancy [<mailto:Nancy.McAdams@legis.wisconsin.gov>]
Sent: Friday, October 02, 2009 9:03 AM
To: Polzin, Cindy M.
Subject: CIB Information

Hello Cindy,

I talked to Rep. Turner about your offer to provide some additional information about this system, and he asked if you could. He would like to distribute it to the members of the Criminal Justice Committee. Thank you very much.

Sincerely,

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



George, Lorna

From: George Althoff [GAlthoff@capitalnewspapers.com]
Sent: Wednesday, October 07, 2009 11:32 AM
To: Rep.Turner
Subject: Thanks for the opportunity to testify

Rep. Turner:

Many thanks for the opportunity to address your committee last week about AB 340. In making my rounds as publisher of six newspapers, I frequently ask readers about C-CAP and the changes that are proposed in AB 340. The people with whom I have spoken are unanimous in their support of C-CAP as it exists today. They see it as a valuable resource and a window into what is happening in their court system. My guess is that many of your constituents have similar views about C-CAP.

I am sorry I did not get a chance to meet you personally after last week's hearing. I had to leave before it ended because of a commitment back in Portage. On a personal note, I am a "graduate" of the Racine Journal Times, where I worked from 1976 to 1981 as a reporter, sports writer and sports editor. I have fond memories of my time in Racine and still have a number of former colleagues who work there. And there are days I have a hankering for a Kewpie burger.

I look forward to meeting you in the near future.

George Althoff
Publisher
Capital Newspapers Portage/Baraboo Division
P.O. Box 470
1640 LaDawn Drive
Portage, Wis. 53901
608-745-3571
Fax 608-745-4605
galthoff@capitalnewspapers.com

10-9

Bob -

Here is your
reminder -
N.

Remind me to call George, I tried
to call him but was unsuccessful.

RT



AB 340
Folder

10-14-09 - Mtg w/ Bob, John
Voelker + Nancy Rottier

leg Council Comt on Dismissed Cases -
chaired by Rep. Vos - not productive

*
largest
issue

Dismissed - shorten period of time it is on
expunged C-Cop

pleading guilty - can be expunged, but
dismissed cases cannot

Criminal - birth date

Civil - no birth date (except divorce)



George, Lorna

From: Schneider, Marlin
Sent: Thursday, October 22, 2009 10:51 AM
To: 'chris@866allfaiths.com'
Cc: *Legislative Everyone
Subject: RE: ccap bill

AB 340
Folder

Thank you for your nice letter on CCAP. I am hoping that you will share your story with your local legislators and with others from your area. The press is just incessant on this open government stuff as though the open records law was designed for snooping on each other instead of allowing citizens to know about the actions of their government. You make some really good points and I hope you will share them with others. I feel like I am fighting this battle all by myself. - Marlin Schneider, Dean, Wisconsin State Assembly

From: chris@866allfaiths.com [mailto:chris@866allfaiths.com]
Sent: Thursday, October 22, 2009 10:04 AM
To: Rep.Schneider
Subject: ccap bill

Rep Schneider-

This letter is to show support for making the ccapp system on a fee basis only. This seems like common sense to everyone I speak with. The articles I have read comment on protecting people from criminals and the increased work for landlords. I understand this, but everyone knows the majority of people using this are just being nosey. I have several money judgements, nothing criminal, on mine from a failed business and now my children have to endure constant teasing from classmates in the junior high. I have also talked to teachers that get heckled by students due to everything from pending divorce hearings to speeding tickets. I am pretty certain this is not what this was meant for. If this system was on a fee basis this would eliminate this type of misuse, while still allowing people to access it in a more transparent way. In an age of all sorts of new privacy laws this seems only right. Please continue to fight for this bill. As George Washington once said, "When a man does all he can though it succeeds not well blame not him that he did it." Everyone has things in their life that they don't want the neighbors or seventh graders to know about! Thank you for your time.

Chris Lenzendorf - Partner/Funeral Director
All Faiths Funeral & Cremation Services
1618 E. Racine St.
Janesville, Wisconsin 53545
(608)754-8700
(608)754-8703 - fax

10/22/2009



McAdams, Nancy

From: rex oehlhof [ralof@verizon.net]
Sent: Tuesday, November 03, 2009 12:33 PM
To: Schneider, Marlin
Cc: Rep.Turner
Subject: Bill 340

Hi Marlin,

How is the bill doing will it be going to legislation to get passed? I sure hope so I do not understand how other bills get passed that do not effect peoples lives as much as this does.

Randy Keefe will be calling you he has an amazing situation as well that should be looked at how CCAP ruins our lives.

Let me know I hope you are pushing this to get passed. I am running out of time. Out of unemployment coming up and no job hopes. I am so tired of living like a criminal in our society for nothing I did wrong. No job prospects at all. I apply and apply and nothing.

I know our economy is bad like one of the speakers said and related to the committee that it is not CCAP causing people not to get jobs but the economy. Marlin that is not true. When someone sees these things on CCAP they pass us by for someone that is not on CCAP that is the truth of it all. No one has time to investigate what all this crap means on CCAP because it is so damn hard to figure out.

Please keep pushing you are our only hope to live as innocent people and get a job we deserve just like anyones else does.

I am so tired of living like a failure. Have student loans to pay on now graduated with 4.0 GPS still does not help. Can you imagine going to school working hard to better yourself and yet get nothing? That is what it is like when your name is on CCAP.

It sucks big time.

Thanks
Rex



McAdams, Nancy

From: Dumas, Aaron
Sent: Tuesday, November 10, 2009 1:43 PM
To: George, Lorna
Cc: McAdams, Nancy
Subject: RE: Meeting with a constituent about AB 340

Hi Lorna,

Mr. Allen just represents himself--his connection to the issue is that he was affected by an overturned conviction in his past that remained on CCAP and has some documentation that he'd like to share. He was *not* able to attend the hearing. Writing a letter is what we have been suggesting to most people, but Mr. Allen spoke to Marlin directly, and I don't know if Marlin did that in this case--Mr. Allen really wanted to meet with everyone, and Marlin encouraged him to do so.

Hope that helps. :)

From: George, Lorna
Sent: Tuesday, November 10, 2009 12:59 PM
To: Dumas, Aaron
Cc: McAdams, Nancy
Subject: RE: Meeting with a constituent about AB 340

Aaron,

Rep. Turner asked who Mr. Allen is? Does he represent a group or specific organization? Was he here for the public hearing?
Have you suggested he write a letter to the committee members?

Lorna J. George

Office of State Representative Robert L. Turner
Room 223 North, State Capitol
P.O. Box 8953
Madison, WI 53708
Tel: 608-266-0731 Toll Free: 888-529-0061
Fax: 608-282-3661
lorna.george@legis.wi.gov

From: Dumas, Aaron
Sent: Monday, November 09, 2009 5:33 PM
To: George, Lorna
Subject: Meeting with a constituent about AB 340

Hi Lorna,

A gentleman named Rick Allen, from Evansville, expressed to us the desire to speak with each member of the Criminal Justice Committee individually for about 10 minutes regarding AB 340. He is hoping to find a day when he could speak with several of them at once so that he can limit the number of trips he has to make to Madison, and he requested that we help him with that. Obviously, not many members are going to be in much the rest of the year, and it may be hard to predict exactly when they *will* be in, so this won't be easy.

Could you send me a list of the days in the next 3 weeks or so during which your boss *would* have a few minutes to meet with Mr. Allen after 11:00 a.m.?

Thanks much,

Aaron Dumas

Office of Representative Marlin Schneider
72nd Assembly District

Aaron.Dumas@legis.wisconsin.gov

(608) 266-0215 Toll Free 1-888-529-0072

Capitol 204 North

P.O. Box 8953 Madison, WI 53708



McAdams, Nancy

From: Kieper, Cynthia
Sent: Friday, November 20, 2009 3:29 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: AB340

OFFICE:
State Capitol
Room 204N
P.O. Box 8953
Madison, WI 53708
(608) 266-0215
Fax: (608) 266-8955
Toll-free: (888) 529-0072
Email: Rep.Schneider@legis.wi.gov



Packet

STATE REPRESENTATIVE
Marlin D. Schneider

D E A N O F T H E A S S E M B L Y

November 20, 2009

Dear Legislators and Staff,

In an effort to help everyone respond to the Apartment Association of Southeast Wisconsin and other landlords across the state regarding my Assembly AB340 I would like to clear up a few misconceptions. AB340 places all convictions out on WCCA, thus the accusation that "Criminals can hide in our Midst" is absolutely false. <http://www.defeat340.org/> Currently, when someone is charged, but not convicted of a crime, it is placed out on WCCA. Once the case has worked its way through the system, the final disposition (conviction) is then placed out on WCCA. Currently, even when a party is found not guilty; charges have been dismissed by the prosecutor; new evidence exonerates a party; or, there is no prosecution- the charge remains on WCCA.

AB340 changes the system so the charge is not placed on WCCA until there is a final guilty disposition, or a conviction. Those who are convicted will still have that conviction placed on WCCA. What this means is that people who are not guilty will not be publicly humiliated and discriminated against. It is illegal to use a "charge" that has not been convicted to determine public accommodations, housing, or employment. Yet our housing and employment laws are vague and weak enough that there is very little fear of being prosecuted.

After the public hearing on AB340, my office offered to meet with many of the landlords that were in attendance that day. To date not one housing association member or landlord has come to my office. If the court system is not working for landlords we need to address that issue, however we should not provide a state system that employers and landlords can use to freely discriminate with no fear of prosecution.

Landlords are using WCCA to circumvent the court system. The landlord files an eviction motion and that charge of eviction is placed out on WCCA. The landlord does not want to wait for a court date, he simply wants to get this renter out and rent the property again. In order to avoid waiting for the court date, the landlord offers the party's security deposit back in exchange for moving out. Then, the party moves out of the property, and the landlord rents the property again. However, the motion for eviction remains on WCCA. Many landlords use WCCA to determine eligibility for housing and equate the motion for eviction as a guilty disposition; refusing to rent to parties with a motion for eviction on WCCA. If the landlord chooses to settle the business privately, and is unwilling to wait the period of time to take the case to court to get a guilty disposition, the Wisconsin Court System should not be providing a state funded discriminatory website to help landlords circumvent the system.

It has been suggested in many articles that eviction cases that settle out of court will leave no public record under AB340.

This is not true. Eviction actions typically have a first cause-the eviction itself-and a second or third cause-dealing with damages, back rent, and other financial issues. In many cases, the first cause of action, the eviction portion, is settled by agreement and dismissed, while the second and third causes of action result in money judgments. These second and third cases will not be deleted by AB340, and will appear on WCCA for everyone to view.

In 2009, unemployment rates are the highest they have been since 1982. We continue to talk about helping people obtain and maintain jobs. Citizen after citizen got up in the public hearing on October 1, 2009, stating how they were being discriminated against by the Wisconsin Court System providing unfettered access to WCCA. Yet the only response has been that newspapers and landlords must continue to be provided free and easy access to every piece of personal information regarding court records. Every piece of information on every case is retained for a determined amount of time in courthouses across Wisconsin. Nowhere in our Constitution does it say that we must provide easy access to newspapers and landlords so they can make a profit.

The U.S. Constitution guarantees individuals a right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures; a right against self-incrimination; and a right to speak and assemble. Like the right of access to public information, the right of privacy to personal information must always be balanced against other interests. I can't find anything in our Constitution that says we should be able to balance our right to privacy against newspapers' and landlords' right to make a profit. Landlords have the ability to run credit checks and background checks. The landlords should be doing so if the claim of public safety is sincere. This is unfair and immoral strategic targeting of individuals in which the defense is unable to present sufficient evidence to prove the guilt of the party, while allowing the presumption of guilt on the electronic records for an indefinite period of time.

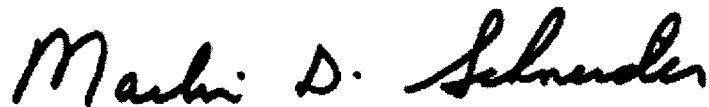
It is the aggregate nature of the WCCA information which makes it valuable to newspapers and landlords. However, the aggregate nature of the WCCA is the same quality which makes its dissemination constitutionally dangerous. As technology continues to advance, vast amounts of personal information are being assembled with little to no accountability.

This bill doesn't make Wisconsin progressive. We lag far behind many other states with and without on-line systems. I have attached a listing of other states and how they are handling dismissed and not prosecuted charges – cases in which the person has *not* been convicted of anything.

AB340 is not extreme, and it is not anti-landlord. What AB340 will do is move us into good company with other states and municipalities that are slowing the online dissemination of court records so that the public is not responding to incomplete and therefore misleading information.

Landlords and the press have failed to point out that citizens, who are guilty of nothing, should not have a state wide database that convicts them in the court of public opinion and haunts them forever. If we cannot stand up for innocent people and protect them from the ravages of these data systems because we are afraid of the press then we probably shouldn't be here.

Sincerely,



Marlin D. Schneider
72nd Assembly District

"Your representative owes you, not his industry only, but his judgment; and he is instead of serving you, if he sacrifices it to your opinion." Edmund Burke Nov. .

Eligibility for Expungement

Arkansas: eligible for expungement if charges dismissed or person is acquitted,

California: expungement if prosecution is notified 10 days before hearing, court can also order records sealed,

Connecticut: expungement if found not guilty or charges dismissed,

Delaware: eligible for expungement if charged and acquitted or charges are dismissed and court finds manifest injustice,

Florida: eligible for expungement only if charges were dismissed or not processed (before or during adjudication),

Georgia: eligible if an arrest is dismissed without prosecution, no pending charges, with no conviction for the same or similar offense within the last 5 years,

Hawaii: eligible if charged and not convicted of a crime, Idaho: any person arrested or issued a summons not subsequently charged may have fingerprint and criminal history record expunged pursuant to a written request,

Indiana: when an arrest is made but no charges brought or charges dropped because of mistaken identity, no offense committed or an absence of PC, expungement shall be granted unless there is a record of other offenses or pending charges,

Kansas: court shall order expungement for arrest records if court finds no prior conviction, defendant is not guilty, or the expungement would be in the best interests of justice and charges have been dismissed or no charges are likely to be filed. Eligible if convicted or state offense and 3 or more years (or 5 for more serious crimes) have elapsed since sentence satisfied.

Kentucky: eligible 5 years after completion of sentence and no previous felony conviction or misdemeanor conviction within last 5 years. (Conviction) Eligible if found not guilty or charges have been dismissed without prejudice and not in exchange for a guilty plea, and no charges are pending. Eligible 0 days following acquittal or dismissal. (arrest)

Louisiana: if misdemeanor, eligible if arrested and not charged or charges dismissed or acquitted; if felony, eligible if arrested and not charged or charges dismissed or acquitted and record is without substantial probative value as a prior act for any subsequent prosecution.

Maine: "Nonconviction data", no charges, indefinite, dismissal, acquittal (or pardon) is only reviewable by express statutory or court order authorization, specific agreements with a criminal justice agency or research activities.

Maryland: Eligible if arrested but not charged, must give notice of request for expungement within 8 years; law enforcement unit investigates and expunges if facts on notice are true; can appeal to district court.

Massachusetts: Eligible if charged, has no prior conviction of drug offense or felony, has had case continued or has been convicted and placed on probation and does not violate probation conditions; court may dismiss charges and expunge records at end of probation (possession of controlled substance). For misdemeanor convictions, eligible 1 year after sentence; for felony convictions, eligible 15 years after sentence; cannot have been found guilty of any criminal offense within last 10 years.

Michigan: Eligible five years after imposition of sentence or completion of term of imprisonment if only one conviction on record; granted if circumstances and behavior warrant set aside and doing so is consistent with public welfare.

Minnesota: allows anyone found guilty of possession of small amount of marijuana prior to 1976 to petition for expungement (possession of marijuana). Expungement can be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with disadvantages to the public and public safety.

Mississippi: can apply for expungement if probation fulfilled, judgment deferred and charges discharged, person has not reached 26th birthday (possession of controlled substance). Eligible if pled guilty to offense prior to 1983, had no prior convictions and served sentence. Also eligible if arrested for a misdemeanor and not formally charged or prosecuted within 12 months of arrest (all except sex offenses, crimes against person and drug distribution offenses).

Missouri: eligible not less than 10 years after offense if no other alcohol-related convictions since first offense (conviction). Eligible if court determines that there was no prior conviction for the arrest, no charges will be pursued, the applicant has no prior or subsequent misdemeanor or felony convictions and did not receive a suspended sentence, and no related civil action is pending (all offenses).

Montana: eligible if defendant received a deferred sentence and withdrew plea of guilty or nolo contendere, and court struck guilty verdict and dismissed charges,

Nebraska: records of arrests where no prosecution was completed or pending after one year shall not be disseminated publicly. A person is also eligible for expungement if he can show by clear and convincing evidence that the arrest was due to error by the arresting law enforcement agency.

Nevada: depending on the seriousness of the offense, person may petition for expungement 3, 7, 10, 12 or 15 years after sentence completed. A person may also petition expungement upon completing a program for re-entry if the person was convicted for a single felony that did not involve use or threatened use of force.

New Hampshire: anyone not prosecuted or found not guilty may petition for annulment for criminal records. People convicted of more than one offense are eligible as long as the time requirements are met.

New Jersey: Eligible after ten years (5 years for petty disorderly offenses) if no subsequent or prior convictions.

New Mexico: if no final disposition of arrest (including nolle prosequere, dismissal of charges, decision not to file charges, referral to diversion program, placement on probation or imposition of a fine), arrest information shall be expunged (misdemeanors). Eligible to apply for expungement if first drug-related conviction, probation fulfilled and charges dismissed (possession of controlled substance).

New York: expungement for civil commitment only

North Carolina: if found not guilty or charges dismissed and no previous expungements or felony convictions, person can apply and after a hearing, court shall order expunction (all offenses). If no prior drug convictions and pleads guilty and fulfills deferred sentence/probation and charges are dismissed and offense occurred when under 21, a person may apply for expungement (certain misdemeanor and felony drug offenses),

North Dakota: court shall expunge conviction from record if first offense and the person is no subsequently convicted of any crime within the next two years,

Ohio: Eligible if convicted and a first offender, a verdict of not guilty, or dismissal of charges or no bill entered by grand jury. In the case of conviction, court must determine whether applicant has been rehabilitated and whether interests of applicant are outweighed by interest of government. If found not guilty or charges dismissed or not entered, no criminal proceedings are pending against applicant and applicant's interests outweigh the government's, court shall issue expungement order.

Oklahoma: eligible if acquitted; conviction reversed and charges dropped; factual innocence established by DNA; no charges filed within one year of arrest or within statute of limitations; the person was under 18 at time offense was committed and person received full pardon; offense was a misdemeanor, 10 years have passed and person has no other convictions; the offense was a nonviolent felony, the person has received a full pardon, and 10 years have passed and the person has no other convictions; or the person has been charged for a crime committed by someone else using that person's identity,

Oregon: Eligible if arrested, after one year, and no pending criminal charges, and no conviction for more than one crime within 10 years of motion, whether or not conviction is associated with same conviction sought to be set aside. If convicted within 3 years of judgment after completion of sentence. Court shall enter order unless clear and convincing evidence that granting order would not be in the best interests of justice and the defendant has been convicted of certain crimes,

Pennsylvania: Eligible if no disposition of arrest within 18 months; is 21 years or older and was convicted of certain alcohol possession offenses and satisfied sentence conditions; is 70 years old and has no arrests or convictions within 10 years of release; or dead for three years. If arrested or prosecuted for a drug offense, record may be expunged as a matter of right if charges dropped or acquitted. This right may be exercised only once,

Rhode Island: any fingerprint or record of identification shall be destroyed within 60 days of acquittal, dismissal or exoneration, provided that the defendant shall have no previous felony conviction. Any first offender may move for expungement of all records of a conviction for a felony or misdemeanor unless convicted for crime of violence. The court may order expungement if it finds the petitioner has no other convictions in the proceeding 5 or 10 years, has no pending criminal proceedings, has exhibited good moral character, has attained rehabilitation to the court's satisfaction, and expungement is consistent with the public interest,

South Carolina: all records shall be expunged whenever any person has been charged with an offense proceedings have been dismissed or the person has been found innocent. A first offender may apply, one time, for expungement of arrest and conviction records if no other convictions within 3 years and if no a traffic offense or most domestic violence offenses,

South Dakota: upon discharge and dismissal of charges, the court shall order that all records be sealed,

Tennessee: eligible if person pleads guilty to offense, except sex offense or serious felonies, has not been previously convicted of a felony or serious misdemeanor, and sentence and proceeding are deferred. Eligible to expunge arrest if charges dismissed and no prior felony or serious misdemeanor conviction or expungement,

Texas: eligible if acquitted, pardoned, convicted and then acquitted by appeals court, no information or indictment has been presented and the limitations period expired or the indictment or information was dismissed because of mistake or absence of prior conviction, and no felony conviction for 5 years preceding arrest,

Utah: Court may order expungement if in the interest of justice. For convictions, eligible 3, 5, 7, 19 or 15 years later if record does not include 2 or more felony convictions, no previous felony or serious misdemeanor expungements, no convictions since the conviction for which expungement is sought, and no pending proceedings. May apply for a second conviction expungement if 15 years have passed since release and any other conviction,

Vermont: Eligible for sealing of records if arrested, first time offender, and after 2 years a diversion program has been fulfilled, no subsequent or pending convictions, and rehabilitation has been attained to the satisfaction of the court.

Virginia: if person charged and acquitted, charges are dismissed, or he is pardoned, he may petition for expungement. Upon finding that continued existence of records constitutes a manifest injustice to the petitioner, court shall enter an expungement order; otherwise it shall deny the petition. If the arrest for a misdemeanor or the person charged is not the person named in the summons, indictment, ect, the petitioner shall be entitled, in the absence of good cause shown to the contrary, to expungement,

Washington: eligible if there are no criminal charges pending and no convictions since the conviction sought to be expunged, has gotten an expungement before, and 5 or 10 years have passed,

West Virginia: eligible to apply 60 days after dismissal, if charges dismissed or found not guilty if no previous felony convictions,

Wisconsin: none,

Wyoming: for convictions, may petition for expungement only for the purpose of restoring any firearm rights lost, if convicted of a misdemeanor not involving use of a firearm, one year has passed, and no previous convictions for which firearms rights have been lost.



2009?

Bob Marlin 12/2
introduced this
today. I have
asked Don Dyke to
review the letter I
wrote requesting a
leg. Council study.
N.

AB 340



ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 340

December 2, 2009 – Offered by Representative SCHNEIDER.

1 AN ACT *to create* 758.20 of the statutes; **relating to:** restricting access to and
2 limiting information contained in the Consolidated Court Automation
3 Programs and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the director of state courts established a consolidated electronic system. This system, known as the Consolidated Court Automation Programs (CCAP), contains information about civil and criminal cases filed in the circuit courts in this state, including information about the parties and their attorneys; documents filed; and deadlines, decisions, and outcomes of cases. CCAP also contains information on family court proceedings; probate proceedings; John Doe proceedings; reviews of certain administrative proceedings; tax warrants; mechanics', construction, condominium, or other types of liens; civil lawsuits; eviction proceedings; and domestic violence and other restraining orders and injunctions.

The information on CCAP is available for free on an Internet Web site. The Web site has no limitations on who has access to the information, although information in certain types of cases is not available to the public. CCAP allows a user to search for all civil and criminal cases in which a person or entity, who is the subject of the search, has been a party.

Currently, the initial CCAP Web page for each criminal and traffic or other civil forfeiture case contains the following statements: 1) for each criminal and traffic or



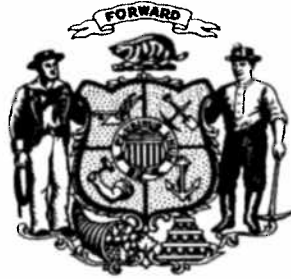
State of Wisconsin
JOINT LEGISLATIVE COUNCIL

JAN 05 2010

Co-Chairs

FRED A. RISSER
President, State Senate

MARLIN D. SCHNEIDER
Representative, State Assembly



LEGISLATIVE COUNCIL STAFF
Terry C. Anderson
Director
Laura D. Rose
Deputy Director

December 15, 2009

Representative Robert Turner
Room 223 North
State Capitol
Madison, WI 53703

AB 340
Folder

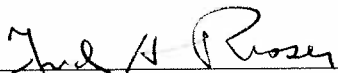
Dear Robert:

Thank you for your recent letter requesting that the Joint Legislative Council undertake a study to review single-use plastic bags and other recycling issues.

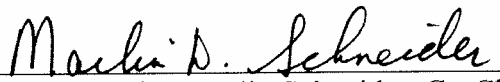
The Joint Legislative Council typically will commence studies following completion of the legislative session. To ensure that your recommendation is made a matter of record, we have forwarded a copy of this letter to Terry C. Anderson, Director of the Legislative Council, who keeps the records. It is our intention to begin, next month, the review of study topics. Thank you for recommending this topic.

Thank you for writing and for your interest in the work of the Joint Legislative Council.

Sincerely,



Senator Fred Risser, Co-Chair
Joint Legislative Council



Representative Marlin Schneider, Co-Chair
Joint Legislative Council

FAR:MDS:wu

cc: Terry C. Anderson



McAdams, Nancy

From: McAdams, Nancy
Sent: Friday, December 18, 2009 9:24 AM
To: Dyke, Don
Subject: Letter Regarding AB 340

Hi Don,

I know you're very busy right now. I think Bob's letter should go out next week before Christmas. Do you think it's ok as is? If you have any suggestions, you can just give them to me verbally and I can change the letter myself. Thanks!

Nancy

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661





Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

December 22, 2009

Senator Fred Risser, Co-Chair
Wisconsin Joint Legislative Council
220 South, State Capitol
Madison, WI 53702

Representative Marlin Schneider, Co-Chair
Wisconsin Joint Legislative Council
204 North, State Capitol
Madison, WI 53702

Dear Senator Risser and Representative Schneider:

I am writing to request that a study of the Wisconsin Circuit Court Access (WCCA), which provides public access to certain information in the Wisconsin Consolidated Court Automation Programs (CCAP), be included among the 2010 interim study committees undertaken by the Joint Legislative Council. As you know, 2009 Assembly Bill 340, relating to restricting access and limiting information contained in the CCAP Programs, has been introduced this session. Assembly Bill 340 was referred to the Assembly Criminal Justice Committee, which I chair. The Committee held a public hearing on the bill on October 1, 2009.

Based upon the amount of negative and positive testimony voiced at the hearing, and many constituent contacts on this issue, I believe a Legislative Council study is timely. These are difficult issues. As you will recall, the Special Committee on the Expunction of Criminal Records was created in the 2006 Interim. This study committee was dissolved after a few meetings when no consensus could be found among the committee members.

Because I firmly believe that the current system is having an undue negative effect on many of our state's residents, I think this subject should be given the serious consideration that is possible through the involvement of expert public members in the process. It is my opinion that Assembly Bill 340 cannot be successfully amended by the Criminal Justice Committee to address the myriad of concerns that have been expressed by people from around the state. It is my genuine hope that CCAP can be improved by the comprehensive approach that a Legislative Council study committee affords, and that this study will bring more fairness and accuracy to the system.

Should the Joint Legislative Council desire to narrow or make specific the scope of a study, the following specific issues concerning the WCCA were among those raised at the public hearing on Assembly Bill 340:



- The error correction process, including mistaken identity.
- The treatment of false claims and dismissed claims, including mistaken evictions.
- The inconsistencies concerning information on the WCCA and that made available to the public by the Department of Justice Crime Information Bureau.
- The treatment of cases where a criminal conviction is vacated or dismissed and the defendant exonerated.
- Whether to include information on appellate cases.
- The expungement statute.

Thank you for taking my request into consideration, and I hope you will agree with me that this is a subject that is most worthy of the Legislative Council study committee process.

Sincerely,

Robert L. Turner, Chair
Assembly Criminal Justice Committee

Cc: Criminal Justice Committee Members
Terry Anderson
Speaker Mike Sheridan
Majority Leader Tom Nelson



George, Lorna

From: Kieper, Cynthia
Sent: Wednesday, December 23, 2009 1:18 PM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-Sponsorship of LRB 4032/1

Attachments: 09-40321.pdf

This is a redraft of AB340, without the \$10.00 charge or registration to use WCCA.

My office has hundreds of letters from people all over Wisconsin whose charges have been dismissed, not prosecuted, not guilty and dismissed on prosecutor's motions but are still dealing with the presumptive guilt the WCCA continues to endorse. This bill provides enough open records to allow the press and public the right to know without continuing to punish innocent victims.

If there is a finding of guilty it will be placed on WCCA for the public to view.

Under current law, the director of state courts established a consolidated electronic system known as Consolidated Court Automation Program (CCAP). This system contains information about civil and criminal cases filed in the circuit courts in the State of Wisconsin. Information includes about the parties and their attorneys; documents filed; and deadlines, decisions, and outcomes of cases. The information on CCAP is available for free on an internet Website.

Under this bill the director of state courts will establish a two tier system in which the first tier would allow justices, judges, magistrates, court commissioners, lawyers licensed to practice law in Wisconsin, law enforcement, members of the press, and other employees of state, federal, and municipal law enforcement agencies in Wisconsin who require a complete court access. The second tier would allow the general public access. The second tier for the general public will not contain dispositions which include not guilty, dismissed, dismissed on prosecutor's motion and not prosecuted. This bill requires anyone who denies housing, employment or public accommodations due to information on WCCA to notify the person. This allows the party to correct the information if the person using CCAP has incorrect information.



09-40321.pdf (29 KB)

← **AB 663**

If you are interested in signing on to the bill please call Aaron Dumas or Cynthia Kieper at 266-0215 by January 6, 2010.

Martin D. Schneider



George, Lorna

From: George, Lorna
Sent: Monday, December 28, 2009 8:03 AM
To: Bob - Home
Cc: McAdams, Nancy
Subject: FW: Co-Sponsorship of LRB 4032/1

Attachments: 09-40321.pdf

Bob,
I thought you would want to see Marlin's re-draft of AB340. He sent this out Wed. afternoon and is looking for cosponsors. I will let Nancy know that I forwarded this to you at home.

Lorna J. George

Office of State Representative Robert L. Turner

Room 223 North, State Capitol

P.O. Box 8953

Madison, WI 53708

Tel: 608-266-0731 Toll Free: 888-529-0061

Fax: 608-282-3661

lorna.george@legis.wi.gov

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