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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**

State of Wisconsin
JOINT LEGISLATIVE COUNCIL

JAN 05 2010

Co-Chairs

FRED A. RISSER
President, State Senate

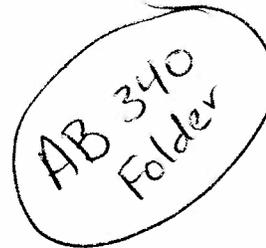
MARLIN D. SCHNEIDER
Representative, State Assembly



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

January 5, 2010

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



Dear Representative Turner:

Thank you for your interim study nomination. Your completed form is on file here and will be brought to the attention of the Council Co-Chairs.

The Joint Legislative Council intends to complete the study selection process by April 1. I will ensure that your request for a study of the Wisconsin Circuit Court access will be brought to the attention of the members.

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

Sincerely,

A handwritten signature in cursive that appears to read "Terry".

Terry C. Anderson
Director

TCA:wu

cc: Sen. Fred A. Risser
Rep. Marlin D. Schneider



McAdams, Nancy

From: Robert J. Andersen [RJA@legalaction.org]
Sent: Wednesday, January 13, 2010 3:03 PM
To: McAdams, Nancy
Subject: FW: S.Ct. letters regarding petition 09-07
Attachments: 09-07 S.Ct. letter.pdf; 09-07 S.Ct. letter to leg council committee.pdf

Packet

Nancy:

See the message below.

From: Robert J. Andersen
Sent: Wednesday, January 13, 2010 2:58 PM
To: 'Lorna.George@legis.wisconsin.gov'
Subject: FW: S.Ct. letters regarding petition 09-07

Lorna:

I talked with Bob about AB 340 yesterday and he mentioned his interest particularly in records being removed for people who are not convicted or whose convictions are overturned. He might be very interested in the Supreme Court's hearing coming up on a petition to have those records removed. See the attached.

From: Kieper, Cynthia [mailto:Cynthia.Kieper@legis.wisconsin.gov]
Sent: Wednesday, January 13, 2010 7:16 AM
To: abc abc ; Annette Bergum; Attorney Keith A Belzer Devanie, Belzer & Schroeder S. C.; Attorney Schneck; Atty. Mary Delaney-Wisconsin Exonerate Network; Barry Casetta Corrections Officer at Kettle Moraine Correctional Facility; Chris Lenzendorf-Partner/Funeral Director; Dan Flood; David Storey Capitol Management; Fred Saecker; Guy Taylor; H Hermansen B.A. in history and political Science UWGB; Haesi H. Fanizius, FTCL, FRCO; Honorable Judge Zappen; Jack Keefe; Jack Werner; Jeanna Rosten; Jeremy Allen; Jim McBride; Jo Ellen Haug; Jocelyn E. Gibert Master's in Public Affairs; John Pray; Judge Vincent Howard; Robert J. Andersen; Sheila X. Sullivan; Legal Action of Wisconsin/Justice 2000 Nicole Young; April A. Hartman; Lisa Glueck; Marcy ; Mary Delaney; Michael Mackin; Mike Crawford; Mike Piaskowski; Pamela Wainio; Randy Keefe; Renee Crawford; Rex Olef; Robert Lee Stinson; Russ Lutz ; Sakhoy Lay; Sein Burk & Marilyn Martin; sinni1lake1@yahoo.com; Terresa Wilson
Subject: FW: S.Ct. letters regarding petition 09-07

Cynthia L. Kieper Attorney at Law
State Representative Marlin Schneider's Office
State Capitol
Room 204N
P.O. Box 8953
Madison, WI 53708
(888) 529-0072

From: Atty. Mary Delaney @ WEN [mailto:wiexnet@yahoo.com]
Sent: Monday, January 11, 2010 9:59 AM
To: Jarrett Adams; Bobby Austin; Keith Belzer; Dan Chitek; Robin Dalton; Catherine Dorl; Audrey Edmunds; Keith Findley; Chad Heins; Denise Hicks; Nancy Ishikawa; Kieper, Cynthia; Byron Lichstein; ric moeck; Megan Morrisey; Christopher Ochoa; Rex Oehlhof; MPie@new.rr.com Piaskowski; Laura Placek; John Pray; Fred Saecker; Brother David Sanders; Douglas J Tjpkjes; Zimmerman Shannon; Rebecca Brown
Subject: Fw: S.Ct. letters regarding petition 09-07

01/13/2010

As mentioned in a prior email, the authors of the attached petition to the Supreme Court have asked us to appear and support their proposed changes to Wisconsin Supreme Court Rule 72.06. The proposed changes include language to authorize courts to expunge court records in case of dismissal or acquittal. More information is available on our website: wisconsinexonerate.net.

Apparently, there is strong opposition to the proposed changes. (Please see the attached correspondence from Adam Korbitz)

The hearing is scheduled for Wednesday Feb. 24th before the Supreme Court in Madison, Wisconsin.

The deadline for written submission to the Court is February 5. If you are unable to testify on the 24th, please make a written submission by the deadline so that the court has an opportunity to hear from you on this issue.

--- On **Thu, 1/7/10**, Adam Korbitz <akorbitz@wisbar.org> wrote:

From: Adam Korbitz <akorbitz@wisbar.org>
Subject: S.Ct. letters regarding petition 09-07
To: "marycdelaney@yahoo.com" <marycdelaney@yahoo.com>, "wiexnet@yahoo.com" <wiexnet@yahoo.com>, "SXS@legalaction.org" <SXS@legalaction.org>
Date: Thursday, January 7, 2010, 10:36 PM

Mary and Sheila,

Attached are two letters from the court regarding petition 09-07. The first is the court's usual boilerplate letter to the usual suspects. The second was sent to the members of the old leg council study committee from a few years back – this will certainly result in some opposition. We've already received an inquiry from the newspaper association. Please note the both the invitation to testify as well as the February 5th deadline for written submissions.

The hearing is on Wednesday, Feb. 24th. Please let me know if you have any questions.

Thanks,

Atty. Adam C. Korbitz
Government Relations Coordinator -- Public Affairs
State Bar of Wisconsin
5302 Eastpark Boulevard
P.O. Box 7158
Madison, WI 53707-7158
TEL: (608) 250-6140
CELL:(608) 695-0792
FAX: (608) 257-4343
www.wisbar.org

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EXPERT ADVISERS. SERVING YOU.

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01/13/2010



Supreme Court of Wisconsin

16 EAST STATE CAPITOL
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice
Ann Walsh Bradley
N. Patrick Crooks
David T. Prosser, Jr.
Patience Drake Roggensack
Annette Kingsland Ziegler
Michael J. Gableman
Justices

Telephone (608) 266-1880
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

A. John Voelker
Director of State Courts

David R. Schariker
Clerk of Supreme Court

December 15, 2009

To:

Hon. Robin Vos, Wisconsin State Assembly
Hon. Tamara D. Grigsby, Wisconsin State Assembly
Hon. Alan Lasee, Wisconsin State Senate
Hon. Fred A. Risser, Wisconsin State Senate
Hon. Gary Carlson, Retired Judge
Hon. William Dyke, Iowa County Circuit Court
Attorney Tim Costello, Krukowski & Costello
Attorney Richard Dufour, Marquette County District Attorney
Ms. Michelle Litjens, Land Pride Properties
Mr. Bill Lueders, Wisconsin Freedom of Information Council
Attorney Lyn Opelt
Sheila Reiff, Walworth County Clerk of Circuit Court
Professor Dennis Rome, U.W.-Parkside
Attorney Kelli Sue Thompson, Deputy State Public Defender
Wisconsin Legislative Council, Attention: Terry C. Anderson, Director

Re: Supreme Court Rule Petition 09-07

Greetings,

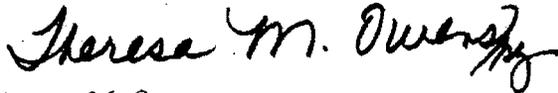
I am assisting the Wisconsin Supreme Court with its consideration of rule petition 09-07 filed by the Board of Governors of the State Bar of Wisconsin. The petition proposes certain changes to amend Chapter 72 of the Supreme Court Rules relating to expunction of circuit court records. You are receiving this letter because as a member of the Special Committee on Expunction of Criminal Records, which was a 2006 Interim Study Committee approved by the Joint Legislative Council, you may have an interest in this petition. A copy of the petition can be found at the court's Web site at http://wicourts.gov/supreme/petitions_audio.htm.

Consistent with standard practice, the court has scheduled and will conduct a public hearing and an open administrative conference on Wednesday, February 24, 2010, at 9:30 a.m., to discuss this matter further. If you deem it appropriate, you are invited to appear in person at the public hearing and/or provide a written response to this petition by Friday, February 5, 2010. Responses should be filed with the Clerk of Supreme Court, Attention: Carrie Janto, Deputy

Clerk, P.O. Box 1688, Madison, WI 53701-1688. A courtesy electronic copy e-mailed to carrie.janto@wicourts.gov would be appreciated.

If you have specific questions or other comments regarding this matter, please contact Susan Gray, c/o Office of the Director of State Courts, P.O. Box 1688, Madison, WI 53701-1688 (telephone: 608-266-6708) (email: susan.gray@wicourts.gov).

Very truly yours,



Theresa M. Owens
Executive Assistant

TMO/skg

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman
State Bar of Wisconsin, Attention: George Brown, Executive Director
State Bar of Wisconsin, Attention: Douglas Kammer, President
✓ State Bar of Wisconsin, Attention: Adam Korbitz, Government Relations Coordinator



Supreme Court of Wisconsin

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P.O. BOX 1688
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Web Site: www.wicourts.gov

A. John Voelker
Director of State Courts

David R. Schanker
Clerk of Supreme Court

December 15, 2009

To:

Board of Bar Examiners
Civil Trial Counsel of Wisconsin, Attention: Jane Svinicki
Legal Action of Wisconsin, Attention: John F. Ebbott
Marquette Law School, Attention: Joseph D. Kearney
Office of Lawyer Regulation
Office of State Public Defender, Attention: Nicholas Chiarkas
Office of the Attorney General, Attention: J.B. Van Hollen
U.W. Law School, Attention: Kenneth B. Davis, Jr.
Wisconsin Asian Bar Association, Attention: Yer L. Vang
Wisconsin Association for Justice, Attention: Mark L. Thomsen
Wisconsin Association of African American Lawyers, Attn: Warren E. Buliox
Wisconsin Association of Criminal Defense Lawyers, Attention: Peter McKeever
Wisconsin Association of Judicial Court Commissioners, Attention: Julia E. Vosper
Wisconsin Circuit Court Clerks Association, Attention: Karen Hepfler
Wisconsin District Attorneys Association, Attention: Ben Letendre
Wisconsin Family Court Commissioners Association, Attention: Timothy J. Burns
Wisconsin Hispanic Lawyers Association, Attention: Carlos A. Ortiz
Wisconsin Judicare, Inc., Attention: Rosemary Elbert
Wisconsin Judicial Commission, Attention: James Alexander
Wisconsin Juvenile Court Clerks Association, Attention: Terry Reynolds Warner
Wisconsin Municipal Judges Association, Attention: Honorable Derek Mosley
Wisconsin Registers in Probate Association, Attention: Karen Stelzner
Wisconsin State Attorneys Association, Attention: Ken Duren, President
Wisconsin Trial Judges Association, Attention: Honorable Mary M. Kuhnmuench
Wisconsin Tribal Judges Association, Attention: Leland Wigg Ninham, President

Re: Supreme Court Rule Petition 09-07

Greetings,

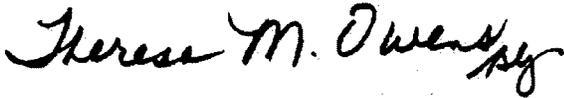
I am assisting the Wisconsin Supreme Court with its consideration of rule petition 09-07, filed by the Board of Governors of the State Bar of Wisconsin. The petition proposes certain changes to amend Chapter 72 of the Supreme Court Rules relating to expunction of circuit court records. You have received this letter because you or your agency or organization has been identified as

potentially having an interest in this matter. A copy of the petition can be found at the court's Web site at http://wicourts.gov/supreme/petitions_audio.htm.

Consistent with standard practice, the court has scheduled and will conduct a public hearing and an open administrative conference on Wednesday, February 24, 2010, at 9:30 a.m., to discuss this matter further. If you deem it appropriate, you are invited to appear in person at the public hearing and/or provide a written response to this petition by Wednesday, February 5, 2010. Responses should be filed with the Clerk of Supreme Court, Attention: Carrie Janto, Deputy Clerk, P.O. Box 1688, Madison, WI 53701-1688. A courtesy electronic copy e-mailed to carrie.janto@wicourts.gov would be appreciated.

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Very truly yours,



Theresa M. Owens
Executive Assistant

TMO/skg

cc: Chief Justice Shirley S. Abrahamson
Justice Ann Walsh Bradley
Justice N. Patrick Crooks
Justice David T. Prosser, Jr.
Justice Patience Drake Roggensack
Justice Annette Kingsland Ziegler
Justice Michael J. Gableman
State Bar of Wisconsin, Attention: George Brown, Executive Director
State Bar of Wisconsin, Attention: Douglas Kammer, President
✓ State Bar of Wisconsin, Attention: Adam Korbitz, Government Relations Coordinator



McAdams, Nancy

From: Maria Turner [mariat@harborhousedap.org]
Sent: Thursday, January 28, 2010 2:10 PM
To: Rep. Turner
Subject: Assembly Bill 340

1/28 - Called - left message.
N.

Dear Rep. Turner,

I heard on the radio coming in to work this morning that the Wisconsin legislature is considering a bill that would restrict access to the online Wisconsin Circuit Court Access system and also would restrict the posting of cases that were pending and/or cases in which the charges had been dismissed (Assembly Bill 340).

I understand this bill is currently within the Criminal Justice Committee for review.

On behalf of Harbor House and all other similar victim-serving agencies (DV, sexual assault, child abuse, etc.) throughout the state, I would strongly urge you **not** to send this bill forward as it is currently written.

Our advocates' current free access to this information through a click of a button is an immense time-saver to nonprofit agencies like us who don't have the time nor the staffing to be running to various court entities to pick up hard copies of the reports related to pending court cases.

More importantly, it is paramount for us in best serving victims of domestic violence to know whether there is a history of either proven or alleged abuse in each perpetrator's case. How would we know this if a perpetrator had charges dismissed—especially in a different county—and we no longer have access to those records?

If these concerns over this bill have not already been brought up in the debate for its approval, I would urge you to make them known before this bill makes it any closer to becoming law.

Sincerely,
Maria Turner
Communication and Development Coordinator
Harbor House Domestic Abuse Programs
720 W. Fifth St., Appleton, WI 54914
(920) 955-9119 (direct line)

Check out the latest information on fundraising events and initiatives, or make a secure online donation on Harbor House's Website at www.harborhouseonline.org.

01/28/2010

IMPORTANT MESSAGE

FOR NANCY
DATE 1/29 TIME 8:45 A.M. P.M.

M. Marie Turner
OF _____

PHONE 920 955-9119
AREA CODE NUMBER EXTENSION
 TAX
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE re AB340

SIGNED _____ **Office DEPOT**



Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

April 5, 2010

Packet

Ms. Ann S. Landwehr
1819 Alcan Drive, #4
Menasha, WI 54952

Dear Ms. Landwehr:

Thank you for your letter expressing your views on 2010 Assembly Bill 340, relating to restricting access to and limiting information contained in the Consolidated Court Automation Program.

As you know, the Assembly Criminal Justice Committee held a public hearing on this legislation on October 1, 2009. At the public hearing, the opposition to this bill was very evident and outweighed the testimony in favor of the bill by over two to one. For that reason, the bill was never voted on because a vote to pass the bill out of committee would have undoubtedly failed.

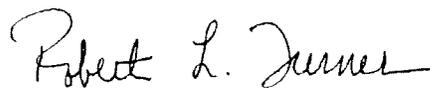
State Representative Marlin Schneider, author of Assembly Bill 340, subsequently introduced similar legislation, which was referred to the Assembly Committee on State Affairs and Homeland Security. A vote in that committee on the bill was 3-3. According to the Assembly Rules, a tie vote signifies that the Committee does NOT endorse the bill. Therefore, this bill is likely dead for the remainder of this session.

Because some of the testimony on Assembly Bill 340 did reveal that there are some technical problems with the system, as well as records of people who have been exonerated by the courts for any wrongdoing, I asked that a Legislative Council Study of this issue be conducted during the upcoming interim, after the Legislature adjourns on April 22nd. It remains to be seen whether the Wisconsin Legislative Council will include this topic among the many that have been requested for study.

I understand that the CCAP system is very valuable to many of our citizens, especially victims of domestic abuse. I want the system to remain accessible to the general public and contain the most accurate information possible.

Again, thank you for sharing your views with me.

Sincerely,



Robert L. Turner
STATE REPRESENTATIVE

RLT/nam



MAR 30 2010

1819 Alcan Dr #4
Menasha, WI 54952
March 25, 2010
Re: HB 340

Representative Turner
Wisconsin Assembly
Madison, Wisconsin

Acknowledge
receipt
this letter

Dear Mr Turner

Please keep CCAP's power to
make information available, so
advocates for domestic violence
victims will be able easily to
obtain information re. same, without
having to pay in time and
money to access the information.

Sincerely
Ann Si Handwehr
Ann Si Handwehr



Date ?

AB 340:
Representative Marlin Schneider 72nd Assembly District

Chairman and members of the Committee, thank you for allowing me to testify today on behalf of Assembly Bill 340. This bill relates to CCAP regarding housing and employment discrimination. For some time now I have been concerned with the public records contained on the Consolidated Court Automation Program. Unfortunately, people here, particularly in the Supreme Court, seem to care little about the innocent people harmed by the system.

I have received numerous letters and emails from people in Wisconsin who have been burned by the current CCAP system. One woman from Eau Claire wrote about her troubles finding new gainful employment after she was falsely arrested and falsely charged with a felony. This woman lost her job because she was unable to go to work while being incarcerated for a crime she did not commit. Even after all her legal troubles were settled, the cases still show up on CCAP. Though she had previously had a strong work history, she was still unable to secure a job due to the two criminal accusations that appear on CCAP. She has now had to take a pay cut from \$16.50 an hour to \$8.00 per hour. Because of CCAP, she is unable to obtain even half of the hourly wage she earned before the false accusations. These injustices have affected her entire life, from the foreclosure of her private business to the insecurity of her family's financial future.

Another woman wrote to me about how CCAP damaged her son's future. The young man was an honors student and editor with the University Student Health Services at UW-Madison, and had only three credits standing in the way of graduation. Before he completed this final course, the student had his first manic episode during which he was charged with four disorderly conduct misdemeanors and had a restraining order filed against him. He was subsequently diagnosed as suffering with bi-polar disorder and was immediately put under the care of a psychiatrist. Because of this episode, he lost his editing position and he is now unable to find gainful employment despite being well-qualified for several jobs simply because potential employers are discriminating against him by using his CCAP record.

A Marathon County Judge told me that he had a case where a young woman, who was about to graduate from college as a youth counselor was charged with sexual assault by two boys from the Boys and Girls Club of Wausau where she was volunteering. When the case went to court it quickly became obvious that the boys were peeping toms and the girl had never touched either boy. Because of this episode, she will not be able to ever work in the field she went to college for. I have supplied a copy of this letter to the committee.

In August of this year there was an article in The Capitol Times where a woman called the police and told them that her husband had hit her. When the police arrived at the residence they pepper sprayed the husband and used a taser gun to subdue him. Even though the wife admits that she lied because she didn't want her husband to leave the

house and it was stupid to file the false report the domestic abuse charge will remain on this successful businessman's CCAP record.

Additionally, I received an e-mail from a Madison woman who supported the public's ability to view CCAP records. She wrote, "Although unfortunate (for some), these events are public record." At that time it was easy for her to make such a comment, but two days later I received another email from the same woman telling me how she now understood the need for a bill placing restrictions on the public's access to CCAP. Her realization came after she was rejected for a loan because of an old and closed record on CCAP.

The final example I will share with you today is about a couple from Sun Prairie. This couple wrote me about how their bankruptcy filing was on CCAP and now finds they are receiving hate mail and nasty comments from their neighbors who really have no business knowing of their economic losses.

These anecdotes have shown that it is easy to oppose such a bill when you have never been victimized by CCAP, but once you do become the victim, you quickly learn how your life can be ruined by it.

AB 340 will restrict public access to records which have been dismissed, not prosecuted, dismissed on prosecutor's motion, or the party has been exonerated. Wisconsin judges, other court officials, law enforcement personnel, attorneys and

accredited journalists and agencies will have full access to CCAP while the public will have access to charges that have a conviction attached to them along with the need to submit a request registration and a one time \$10.00 fee. AB 340 requires that landlords, employers and people providing public accommodations notify the party they are turning down that they obtained the information on CCAP, the idea being that then people will have a right to defend themselves.

Data-mining, in particular, has the potential to drastically impede on personal privacy rights. Court Tracker, a data-mining service powered by Court Data Technologies, is a program which enables users to search all past court cases by a specific judge, prosecutor or statute. In the past the company has even proclaimed that Court Tracker is “CCAP on steroids.” This is a scary thought: with the amount of damage CCAP has already done to too many innocent citizens, I shudder to think of the damage “CCAP on steroids” could enact.

Judge Gary Carlson of the Taylor County Circuit Court is an opponent of AB340. Judge Carlson believes that listing all records, including convictions and cases that are dismissed, is necessary so the site doesn't become “a listing of guilty people.” The purpose of this bill is not to protect citizens' who are guilty of crimes against the state, but rather to protect citizens wrongfully accused of crimes and who are ultimately being discriminated against due to misinformation or the misunderstanding of information.

Judge Carlson also claims that my bill would deny “the little People”, as he called them, the ability to easily check another citizen’s court history. If it is true that it is the court’s desire to have all CCAP cases open to the public and that the public has a right to know what the courts are doing, then the public should also have the right to know about the pre-trial and post-trial conferences of the Supreme Court. Just as we in the legislature must debate our bills and issues in public, so too should the appellate courts. So following on the heels of the Supreme Court’s admonition for an assembly bill to remove not guilty charges from CCAP, and taking them at their word I have introduced AB23. This legislation will require that all conferences held by the Supreme Court or court of appeals to be open to the public. If it’s good for the goose it ought to be good for the gander.

I am hoping this bill will bring to people’s attention to this issue and help assist those who are innocent of any wrong doing but who are being punished by the system. I am fully aware that there are people who use this system appropriately and for a good purpose, but there are too many instances of misuse of this system. Too many innocent people are being harmed.

In my testimony, when I brought up a notion I learned as child, that “it is better for ten guilty me to go free than for one innocent man to be imprisoned,” one of the new technocrats with the Court Data Technologies said, “that notion was quaint.” I happen to believe that it is not quaint for those who are innocent and being punished by this system

for doing nothing wrong. I strongly believe this is an issue that needs to be addressed, in spite of the criticism it has received.

What I fear is that as people become more sophisticated in the misuse of this system more and more citizens will face false charges as a way to get even because for many an accusation is the same as a conviction.

The technological revolution that we are in today is a significant paradigm shift away from the time when the Open Meetings and Open Records laws were passed in the post-Watergate era of the middle 1970's. These laws were to protect the public by allowing them to know about the affairs and actions of government bodies not to snoop on each other.

I know that you will hear testimony today from landlords, media representatives, and others who will have objections to this bill. I am hopeful that the committee will actually work on this problem through this bill to address the issues that this bill attempts to address. Landlords have legitimate issues that are of concern to them. But.... And this is a big "but" Innocent people should not have their government establishing data systems that hurt people who are not guilty of any wrongdoing and assist others in discriminating in ways that violate our anti-discrimination laws.

The computer along with the Internet has put our traditional notions of fairness and forgiveness to route. There is no escape, there is no recourse, and there is no hope of redemption for anyone caught in the web of computer data systems.

We are building a surveillance society and placing one nail at a time in the coffin of liberty with our "Gee Whiz" attitude about these developments.

The younger generation growing up being under constant surveillance seems completely unconcerned about these consequences. The innocent caught in the web of CCAP, the victims of identity theft, those victimized by the inappropriate disclosure of their computerized medical records, others being stalked via computer and government ineptitude in releasing Social Security numbers and other personal data understand all too well the consequences of these developments. What is even worse are those who have no idea that they are being victimized by these computer data systems.

So, in closing, I would urge the committee to take into account the balance between the public's right to know and the protection of innocent people from things like CCAP and bring forth a bill that addresses these concerns.



Date ?

Patrick McIlheran's Sept. 17 column, "Landlords feel the loathing," misrepresents Rep. Marlin Schneider's proposed legislation (AB 340) to reform Wisconsin's public database of court records (CCAP).

AB 340 will finally address longstanding and important problems with CCAP. It will ensure a better balance between making court records available and protecting private information and will bring more fairness and relief to tenants in their continuous, uphill battles to find and keep homes.

McIlheran suggests that all eviction cases that settle out of court will leave no public record under AB 340. 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. Such cases will not be deleted under AB 340.

There are only two circumstances where cases will be deleted from CCAP under AB 340. First, a case would be deleted when the landlord and the tenant have freely agreed to a settlement on all three causes of action. In a settlement, the landlord has freely agreed to dismiss all three causes of action against the tenant. This is a very high standard. In our experience, landlords dismiss all three causes of action only when they are entirely satisfied with the negotiation and settlement. This high standard is a cost-efficient separator of those cases that should rightly be posted on CCAP and those that should not.

Second, a case would be deleted where a judge finds that the action had no legal merit. For example, a judge may find that the attempted eviction was retaliatory (when a tenant reports a landlord's building code violations) or discriminatory - both of which are illegal in Wisconsin and both of which happen far too often. If a judge does dismiss,

that case information does not help a future landlord screen "bad" tenants, as McIlheran claims. But it can provide a basis for the future discrimination simply because the tenants exercised their legal rights. As a community, we should strive to get tenants to exercise rights such as reporting building code violations because they help to deter bad landlords, maintain neighborhood security and stabilize property values.

McIlheran suggests that AB 340 would keep "landlords from spotting troublemakers" because the public record would not show that "a tenant is pushing drugs" when prosecutors make a deal on a lesser charge. Not true. If an individual is convicted on any criminal charge, the record of that conviction will continue to appear - as it does today - on CCAP. AB 340 does not change the posting of criminal information on CCAP. The proposed CCAP reform legislation changes only one thing in this regard: When an individual is not prosecuted or convicted of a crime, information about the court proceedings will not appear on CCAP- just as the information rightly and fairly does not appear on a separate, public database at the Wisconsin Crime Information Bureau.

On the positive side, McIlheran's column helps to illustrate the need for CCAP reform and manifests the prejudicial usage that makes CCAP reform necessary. When we only look at CCAP's highly limited and non-contextualized case listings and do not look at complete court records, we cannot know much about a case. We cannot know whether a criminal charge was amended because it was wrongly brought in the first place and there was no evidence to support it, for example. A person cannot simply "intuit" from the CCAP record whether an initial criminal charge reflects "trouble maker" status or not.

Such presumptions have helped create the problems that AB 340 and Schneider seek to correct. Landlords, employers, and citizens of Wisconsin have a right to use public information to protect themselves and their businesses.

Private individuals have an equally important right: protection against "bad" public records being created by misuse or abuse of the system.

Why should a decision - made after police investigation - to *not* charge a person be allowed to be used by a landlord to identify an individual as a troublemaker? Similarly, why should a legally baseless eviction action, or one settled privately and freely to the parties' satisfaction, be used as evidence that the tenant - not the landlord - is a troublemaker?

The proposed CCAP reform is neither extreme nor is it anti-property owner. It will move Wisconsin 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 and prejudicial information. That change will serve tenants, landlords and all citizens.

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