2013 DRAFTING REQUEST

Bill

Received:	**1/13/2014**	Received By:	**phurley**
Wanted:	**As time permits**	Same as LRB:	**-3821**
For:	**Mary Czaja (608) 266-7694**	By/Representing:	**Emily**
May Contact:		Drafter:	**phurley**
Subject:	**Courts - miscellaneous/other**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Czaja@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Removing dismissals from CCAP unless they are read-in crimes

Instructions:

3793, but if read in crimes (criminal only), dismissed charges stay on ccap

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	phurley 1/13/2014	evinz 1/15/2014	rschluet 1/15/2014	_____ _____	mbarman 1/15/2014	lparisi 1/23/2014	State S&L

FE Sent For:

at intro

<END>

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/1	phurley	/1 eev 1/15/14	/1 eev 1/15/14	1/15			State S&L

FE Sent For:

<END>

Hurley, Peggy

From: Loe, Emily
Sent: Monday, January 13, 2014 10:43 AM
To: Hurley, Peggy
Subject: Drafting request LRB 3821_P1

Peggy,

Rep. Czaja would like to request a /1 of the attached draft, related to the CCAP program.

She has one small change to the P-draft:

Please change both of the lines that say "That the defendant has been found not guilty *of all of the charges*" (P2 L12 & P3 L6) to simply read "That the defendant has been found not guilty" or something like that. She feels this makes the language more consistent with the rest of the draft.

Please also draft a companion LRB for Sen. Grothman. I have copied his chief of staff, Rachel VerVelde, on this email.

Thank you.
Emily

Emily Loe | Office of Rep. Mary Czaja
35th Assembly District
(o) 608-266.7694 | (e) emily.loe@legis.wi.gov

13-3821_P1.pdf

State of Wisconsin
2013 – 2014 LEGISLATURE

today

LRB-3821/P1
PJH:eev:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

396211
comp run

1-13-14

regen

1 AN ACT *to create* 758.20 of the statutes; **relating to:** restricting information
2 available on the consolidated court automated Internet site.

Analysis by the Legislative Reference Bureau

Under current law, the director of state courts (director) has established a consolidated electronic system that contains information about cases filed in the circuit courts in the state, including both civil cases and criminal cases. This system, known as the Consolidated Court Automation Programs (CCAP), contains information about the parties to circuit court cases, their attorneys, documents filed with the court, and deadlines, decisions, and outcomes of cases. The information regarding case data contained on the CCAP system is available on the court's Internet site, called Wisconsin Circuit Court Access (WCCA). The Internet site presently has no limitations on who can access information on the site, although information about certain types of cases is not available to the public. WCCA allows a person accessing it to search for all cases, civil and criminal, in which a person or entity who is the subject of the search has been a party.

Currently, the initial WCCA Web page displayed in each criminal case and in each traffic and other civil forfeiture case contains a statement that employers may not discriminate against persons because of arrest and conviction records except in certain circumstances. The initial WCCA Web page displayed in each criminal case and in each civil forfeiture case that did not result in a conviction also contains a statement that the charges were not proven and have no legal effect, and that the defendant in that case is presumed innocent. The initial WCCA Web page displayed in each case in which there was a conviction for a civil forfeiture offense, but no

criminal conviction, contains a statement that the charge or charges in the case are not criminal offenses.

This bill requires the director to remove a case or charge involving a civil forfeiture from WCCA within 90 days after being notified that the case or charge has been dismissed, that the defendant has been found not guilty of all of the charges in the case, or that the case or charge has been overturned on appeal and dismissed. The bill also requires the director to remove a case involving a misdemeanor or a felony from WCCA within 120 days after being notified that the case or charge has been dismissed and not read into the record for the purpose of sentencing the defendant, that the defendant has been found not guilty of all of the charges in the case, or that the case or charge has been overturned on appeal and dismissed.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 758.20 of the statutes is created to read:

2 **758.20 Consolidated court automation programs. (1)** In this section,
3 "Wisconsin Circuit Court Access Internet site" means the Internet site of the
4 consolidated court automation programs, which is the statewide electronic circuit
5 court case management system established under s. 758.19 (4) and maintained by
6 the director of state courts, that provides information regarding the cases heard in
7 the circuit courts.

8 **(2)** Within 90 days after being notified of any of the following involving a civil
9 forfeiture, the director of state courts shall remove the case or charge from the
10 Wisconsin Circuit Court Access Internet site:

11 (a) That the case or charge has been dismissed.

12 (b) That the defendant has been found not guilty of all of the charges.

13 (c) That the case or charge has been overturned on appeal and dismissed.

1 **(3)** Within 120 days after being notified of any of the following involving a
2 criminal case or charge, the director of state courts shall remove the case or charge
3 from the Wisconsin Circuit Court Access Internet site:

4 (a) That the case or charge has been dismissed, unless the dismissed charge
5 was a read–in crime, as defined in s. 973.20 (1g) (b).

6 (b) That the defendant has been found not guilty of all of the charge~~s~~.

7 (c) That the case or charge has been overturned on appeal and dismissed.

8 **(END)**

Parisi, Lori

From: Loe, Emily
Sent: Thursday, January 23, 2014 9:05 AM
To: LRB.Legal
Subject: Draft Review: LRB -3962/1 Topic: Removing dismissals from CCAP unless they are read-in crimes

Please Jacket LRB -3962/1 for the ASSEMBLY.