

## 2007 ASSEMBLY BILL 418

June 21, 2007 – Introduced by Representatives SCHNEIDER, KESSLER, GRIGSBY and A. WILLIAMS. Referred to Committee on Corrections and Courts.

1     **AN ACT** *to create* 758.20 of the statutes; **relating to:** restricting access to the  
2             consolidated court automated programs.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the director of state courts 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 a variety of information about the parties to circuit court cases, their attorneys, documents filed with the court, and deadlines, decisions, and outcomes of cases. The information contained on the CCAP system is available in an Internet Web site that presently has no limitations on who can access the information in the system, although information in certain types of cases is not available to the public. The CCAP system 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 CCAP 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 CCAP Web page for each criminal case and in each traffic and other civil forfeiture case that did not result in a conviction also contains a statement that the charges were not proven, have no legal effect, and the defendant in that case is presumed innocent. The initial CCAP Web page for each case in which there was a conviction for a traffic or other civil forfeiture offense, but no criminal conviction, contains a statement that the charge or charges in the case are not criminal offenses.

**ASSEMBLY BILL 418**

This bill restricts public access to the CCAP system from the Internet while permitting unlimited access to information in the CCAP system to Wisconsin judges or other court officials, law enforcement personnel, attorneys, and accredited journalists, as well as persons who regularly deal with court documents in the course of their job duties. The bill allows limited access to CCAP information for other persons, who must submit to either the clerk of courts or district attorney in the county where the request for CCAP information is filed a written request for information that includes their full name and address, the full name and address of the person or entity subject to the request, the relationship, if any, between the requester and the subject of the request, and the purpose for the request. If the requester shows, subject to the discretion of the clerk of courts or district attorney, a reasonable purpose for the request, the requester will be granted limited access to CCAP for viewing information on the person or entity that is the subject of the request.

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***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 “consolidated court automation programs” means the statewide electronic circuit  
4 court case management system maintained by the director of state courts at the  
5 Wisconsin Circuit Court Access Internet Web site established pursuant to s. 758.19  
6 (4).

7           **(2)** (a) The following persons shall have unlimited access to the information  
8 contained in the consolidated court automation programs system:

9           1. Justices, judges, magistrates, court commissioners, and other employees of  
10 state, federal, and municipal courts in Wisconsin who require access to court  
11 documents and records in the course of their employment.

12           2. Law enforcement officers as defined in s. 941.299 (1) (c) and other employees  
13 of state, federal, and municipal law enforcement agencies in Wisconsin who require  
14 access to court documents and records in the course of their employment.

**ASSEMBLY BILL 418**

1           3. Attorneys licensed to practice law in Wisconsin and their employees who  
2 require access to court documents and records in the course of their employment.

3           4. Members of the Wisconsin Newspaper Association, the Wisconsin  
4 Broadcasters Association, and any other Wisconsin media organization designated  
5 by the director of state courts.

6           (b) A person who meets all of the following requirements shall have access to  
7 the consolidated court automation programs system files regarding the subject of the  
8 request:

9           1. The person submits a written application for information to the clerk of  
10 courts or district attorney of one of the following counties:

11           a. The county where the person resides.

12           b. The county where the subject of the information request resides.

13           c. A county that is the venue for a circuit court case in which the subject of the  
14 information request is currently or formerly was a party.

15           2. The written application submitted under subd. 1. shall contain all of the  
16 following:

17           a. The full name and address of the person.

18           b. The full name and address of the person that is the subject of the request or  
19 alternatively, the name or case number of the particular case involving the subject  
20 of the request.

21           c. The relationship, affiliation, or connection, if any, between the requester and  
22 the subject of the request.

23           d. A detailed statement of the purpose for the request for consolidated court  
24 automation programs system information.

**ASSEMBLY BILL 418**

1 (c) If, in the discretion of the clerk of courts or district attorney to whom the  
2 request was submitted, the request for consolidated court automation programs  
3 system information shows a reasonable need for disclosure, the requester shall be  
4 allowed access to the consolidated court automation programs system files on the  
5 subject of the request.

6 **(3)** The director of state courts shall create and update forms for consolidated  
7 court automation programs system information requests and, consistent with this  
8 section, shall undertake all actions necessary to remove the consolidated court  
9 automation programs system from general Internet access and to implement  
10 restrictions on accessing that information.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to requests for court automation programs systems  
13 information made on the effective day of this draft.

14 **SECTION 3. Effective date.**

15 (1) This act takes effect on the first day of the 5th month beginning after  
16 publication.

17 **(END)**