

2007 DRAFTING REQUEST

Bill

Received: **11/20/2007**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Rep.Vos@legis.wisconsin.gov**

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Court records internet access

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 11/27/2007	wjackson 12/04/2007		_____			S&L
/P1			jfrantze 12/04/2007	_____	sbasford 12/04/2007		S&L
/1	rnelson2 12/11/2007	wjackson 12/13/2007	jfrantze 12/14/2007	_____	mbarman 12/14/2007	mbarman 01/29/2008	

FE Sent For: "11" @ intro. 2-1-08
<END>

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/?	rnelson2						
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FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/20/07

Mtg w/ Don Dyck

Sen Lassa + Rep Vos

PI draft



State of Wisconsin
2007 - 2008 LEGISLATURE

2
LRB-350/P1

RPN.../....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 ^{Gen} AN ACT ...; relating to: restricting access to the consolidated court automated
2 programs' Internet Web 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 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 regarding case data contained on the CCAP system is available in the court's Internet Web site called the Wisconsin Circuit Court Access (WCCA). That Web site presently has no limitations on who can access information on the site, although information in certain types of cases is not available to the public. The WCCA Web site 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, have no legal effect, and the defendant in that case is presumed innocent. The initial WCCA Web page displayed in each case in which there was a conviction for 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 or misdemeanor 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, that the defendant has been pardoned of the crime, 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 felony from WCCA within 120 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, that the defendant has been pardoned of the crime, 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 Web site" means the Web site of the
4 consolidated court automation program^s, 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 or misdemeanor, the director of state courts shall remove ~~that~~^{the} case or
10 charge from the Wisconsin Circuit Court Access Internet Web 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.

14 (d) That the defendant has been pardoned of the misdemeanor.

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

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

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

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

7 (d) That the defendant has been pardoned of the felony.

8 **(END)**

Nelson, Robert P.

From: Wilson, Danielle
Sent: Tuesday, December 11, 2007 11:45 AM
To: Nelson, Robert P.
Subject: LRB 3501/P1

Senator Lassa and Representative Vos would like to remove the language in LRB 3501/P1 under 758.20(2)(d) "That the defendant has been pardoned of the misdemeanor" and in 758.20(3)(d) "That the defendant has been pardoned of the felony." They would also like the language redrafted as companion LRBs ready for introduction (not preliminary drafts).

Thank you for your help and please feel free to contact me if you have any questions.

Danielle Wilson

Clerk, Senate Committee on Economic Development

Office of Senator Julie Lassa

P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

danielle.wilson@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3502/P1

RPN:wlj:jf

↑
STAYS

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 Bill

1

^{Regen} AN ACT to create 758.20 of the statutes; relating to: restricting access to the consolidated court automated ^{programs} Internet Web site.

2

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7 (d) That the defendant has been pardoned of the felony.

8

(END)

Barman, Mike

From: Rep.Vos

Sent: Tuesday, January 29, 2008 8:47 AM

To: LRB.Legal

Subject: Draft Review: LRB 07-3502/1 Topic: Court records internet access

Please Jacket LRB 07-3502/1 for the ASSEMBLY.

01/29/2008