

2007 SENATE BILL 458

February 5, 2008 – Introduced by Senators LASSA, GROTHMAN, DARLING, OLSEN, HANSEN and ROESSLER, cosponsored by Representatives VOS, GRIGSBY, GUNDERSON, SCHNEIDER, MOLEPSKE, HAHN, F. LASEE, MUSSER, OWENS, ALBERS, WOOD, BALLWEG, NYGREN, PETROWSKI, SMITH, PRIDEMORE, ZEPNICK and CULLEN. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

1 **AN ACT to create** 758.20 of the statutes; **relating to:** restricting access to the
2 consolidated court automated 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 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 Web site called the Wisconsin Circuit Court Access (WCCA). The Web 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, 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

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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, 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, 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 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 or misdemeanor, the director of state courts shall remove the case or charge
10 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.

