

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

**2007-08**

(session year)

**Assembly**

(Assembly, Senate or Joint)

Committee on  
Corrections and  
Courts  
(AC-CC)

(Form Updated: 07/24/2009)

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR  
\*\*

➤ Executive Sessions ... ES  
\*\*

➤ Public Hearings ... PH  
\*\*

➤ Record of Comm. Proceedings ... RCP  
\*\*

**INFORMATION COLLECTED BY COMMITTEE  
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt  
\*\*

Name:

➤ Clearinghouse Rules ... CRule  
\*\*

➤ Hearing Records ... HR (bills and resolutions)  
\*\* **07hr\_ab0754\_AC-CC\_pt01**

➤ Miscellaneous ... Misc  
\*\*

( )

## Assembly Committee on Corrections and the Courts

DATE \_\_\_\_\_

Moved by Par Seconded by LeM

AB 754 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_ SJR \_\_\_\_\_

A \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

AB 754

Be recommended for:

Passage

Introduction

Adoption

Rejection

Indefinite Postponement

Tabling

Concurrence

Nonconcurrence

	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Phil Montgomery, vice-chair		1		
3.	Rep. Dean Kaufert	2			
4.	Rep. Carol Owens				
5.	Rep. Steve Kestell	3			
6.	Rep. Daniel LeMahieu	4			
7.	Rep. Joe Parisi	5			
8.	Rep. Mark Pocan	6			
9.	Rep. Sheldon Wasserman	7			
10.	Rep. Sondy Pope-Roberts				
11.	Rep. Donna Seidel		2		
Totals		7	2		

MOTION CARRIED

MOTION FAILED



February 10, 2008

Representative Garey Bies

Chairman Corrections Court Committee

P.O. Box 8952

Madison, WI 53708

Dear Representative Garey Bies and Corrections Court Committee:

Thank you for providing an opportunity for me to discuss my support of Assembly Bill 754. I am a student at the University of Wisconsin Oshkosh, completing the Master's of Education program in Community Counseling with an anticipated graduation date of May 17, 2008. I am completing my final internship requirements with Volunteer in Offender Services (VIOS) Outagamie County, an organization providing various resources and assistance to incarcerated individuals as well as individuals on probation. I have been involved with VIOS for over a year.

In 2001, I had my first experience with the justice system for a misdemeanor. Prior to this time, I had no criminal record and I have not had any criminal occurrences since the misdemeanor. Because I had no criminal history, I was able to enter a deferred prosecution agreement with no plea. After completing what was required, the case was dismissed.

Not long after the case was dismissed, I encountered inaccuracies with the Wisconsin Consolidated Court Automation Program (CCAP) when I researched my name and found a no contest/guilty plea listed instead of a case dismissed listing. Since that time, there have been changes in CCAP. Currently, my case listing reads, "The deferred prosecution or sentencing agreement(s) on this case was fulfilled, and the charge(s) was dismissed."

My understanding as part of the process in the deferred prosecution agreement is that on employment applications or other forms asking about a criminal conviction, I can list that I do not have a criminal history. This is one reason I agreed to enter into a deferred prosecution agreement. I fear that when I begin a job search and legally choose not to disclose this incident with a potential employer; it will preclude me from obtaining the job if the potential employer researches my name on CCAP. This potential employer may believe I am hiding something or lying on the job application when I have been led to believe that I legally do not have to disclose that information.

Some of my fear stems from my work at VIOS and several misunderstandings between the client and employer/prospective employer. I have heard of several incidents from the VIOS Director regarding individuals being fired because they were in a similar situation. According to Wisconsin statute 111.335, this practice is illegal.

It is unfortunate that there is a stigma attached with being accused of a crime or having any type of record, whether an individual is found not guilty or the case has been dismissed. I should not have to fear that a potential employer will not hire me because CCAP lists a former case of mine as dismissed. For an individual such as myself to be punished because a potential employer can look up information and make assumptions is unjustified and illegal. I have gone through the justice system; chose to enter into a deferred prosecution agreement, and have completed what was required for case dismissal.

I have been fortunate in that I have not yet experienced discrimination or illegal practices due to the public access of my dismissed case, but the potential that this could happen is high. This is one of many reasons I support Assembly Bill 754.

If you have questions or comments, please contact me through mail, phone, or email. Once again, Chairman Garey Bies and Corrections Court Committee, thank you for allowing me to briefly express my experience and support of Assembly Bill 754.

Sincerely,

Derreka Walton

304 Schindler Pl #109

Menasha, WI 54952

920-428-3035

[dwalton@new.rr.com](mailto:dwalton@new.rr.com)



February 13, 2008

Sandee Stadler  
1502 E. Beverly Road  
Shorewood, WI 53211-2203  
(414) 967-0234  
(414) 405-2282 (cell)

**Assembly Bill 754**  
**Public Hearing**  
**Committee on Corrections and Courts**  
Wednesday, February 13, 2008  
9:00 a.m.  
415 Northwest  
State Capitol

Please allow this correspondence to serve as a written testimony in lieu of my personal appearance at this morning's hearing regarding Assembly Bill 754.

I, hereby, with this written testimony, support the above-referenced Assembly Bill 754. A great majority of us acknowledge the flaws and inconsistencies of our current Consolidated Court Automated Program (CCAP) and how CCAP, in its magnitude, can be used as a legal weapon and how it can damage a person's (oftentimes an innocent person's) reputation and employability. AB 754 would help to rectify and offer some justice, legal and personal relief to those whose reputations and employability have been adversely affected by the existence of an entry so easily accessible to all – an entry oftentimes unsubstantiated and dismissed.

I have been affected adversely by the CCAP system which obviously has little oversight in what is entered and which all too often contains several errors. As an example of its destructive power, CCAP was used as a legal and personal weapon against me as a retaliatory action.

I had filed complaints against my former employer including a complaint with the ERD. As a retaliatory action, I was discharged by my employer. On the scheduled day to retrieve my belongings, I was given some of my work-product. In discovery with the ERD, my former employer submitted to me and the ERD, several documents, including unredacted and partially redacted, which I also attempted to submit.

To keep me from further using my documentation/work-product/evidence, my former employer filed a temporary restraining order and a civil suit for violation of a trade secret. Although no trade secret was violated and there was no substantiation, no imminent threat, the judge, nonetheless, granted the TRO. Everything was eventually dismissed yet

this CCAP entry which contains, as acknowledged my many, a highly unusual amount of damaging accusations including allegations of theft. This CCAP entry still exists in its entirety today. I have tried to a certain extent to have the entry modified, but there doesn't really exist any easy way to make changes, even simple ones like the fact that I am listed as an attorney in CCAP (which I am not). I know this CCAP entry has greatly adversely affected my employability.

AB754 would help individuals in similar situations. We all know anyone can file just about anything against anyone and it will show up in CCAP. Whether this person is innocent or guilty, anyone who reads a derogatory entry, despite the "disclaimer", will oftentimes have a lingering, negative, suspicious first impression – unjustly.

Anyone who has committed a crime should be held accountable. The public should know about any threat to public safety. I have a great respect for open records laws however, as we all know, CCAP encompasses a whole different dimension than just going to the court house to review an open record. I have, however, even a greater respect for justice. It is simply unjust that that innocent individuals should be punished by such a flawed program. It is unjust because if an atty. knows a judge well, just about anything can be entered in CCAP. It is unjust that if a case has been dismissed, unsubstantiated, overturned that it remains in the CCAP for the entire world to see and judge and discriminate. Innocent until proven guilty? Guilty until proven innocent?? CCAP is neither at the moment.

With the aforementioned flaws of our CCAP program, at least after a designated time period, preferably less than the proposed 60 or 120 days maximum, AB754 will offer some justice and legal and / or personal relief. It is a great bill. I encourage legislators to support this bill and constituents to contact their legislators to support it.

Lastly, I want to thank Ms. Connie Schulze of Sen. Alberta Darling's office for all her assistance and support.

Thank you.

Yours truly,

Sandee Stadler







# Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson  
Chief Justice

16 East State Capitol  
Telephone 608-266-6828  
Fax 608-267-0980

A. John Voelker  
Director of State Courts

Testimony

Of

A. John Voelker

Director of State Courts

in Opposition to

Assembly Bill 754

Assembly Committee on Corrections and Courts

Rep. Garey Bies, Chair

February 13, 2008

Thank you, Chairman Bies and members of the Committee. I am John Voelker, the Director of State Courts. I am appearing on behalf of the Legislative Committee of the Wisconsin Judicial Conference to express its opposition to Assembly Bill 754, which would direct my office to restrict Internet access to certain court records. The Legislative Committee urges your committee to reject this bill. The Wisconsin Judicial Conference is composed of all appellate and circuit court judges in Wisconsin.

There are a number of practical concerns I want to raise about AB 754 but first I would like the committee to understand the policy that underlies our commitment to maintaining an open and accessible court system. Nearly 30 years ago, the Wisconsin Supreme Court addressed whether dismissed cases should remain open records. In the case of *Newspapers, Inc. v. Breier*, 89 Wis.2d 417, 436-37 (1979), the Court said:

The power to arrest is one of the most awesome weapons in the arsenal of the state. It is an awesome weapon for the protection of the people, but it is also a power that may be abused. In every case, the fact of an arrest and the charge upon which the arrest is made is a matter of legitimate public interest. The power of arrest may be abused by taking persons into custody on trivial charges when charges of greater magnitude would be appropriate. The power of arrest may be abused by overcharging for the purpose of harassing individuals and with the expectation and intent that the initial charge will be dismissed or substantially reduced. In any event, curbing abuse of the arrest power is only possible if the public can learn how that power is exercised.

AB 754 would require my office to remove from the Wisconsin Circuit Court Access (WCCA) Internet website records from cases involving a civil forfeiture, misdemeanor or felony in which one of the following applies:

- (a) "cases or charges" have been dismissed;
- (b) a person was found not guilty "of all of the charges;" or
- (c) a "case or charge has been overturned on appeal and dismissed."

As I mentioned, we have several practical concerns about how AB 754 would be implemented.

First, I do not believe AB 754 will achieve the results desired by the authors. Proponents of changing the WCCA Internet website most often cite problems defendants have with potential employers and landlords. Yet, this information will be available for up to 90 or 120 days before being removed from public access. During that time, the information would be available for all, including those who are willing to procure, archive and later make those records available. Before the WCCA website was available, companies created databases of relevant court record information, if there was a profit to be made by their retention and sale. I believe information will still be available, but it will be under the control of private companies rather than the court system.

The WCCA Oversight Committee I created assessed the availability of data on the Internet. It discussed this issue at length and recommended not to remove dismissed cases but rather to examine the expunction statute.

Second, all court records would continue to be maintained by our case management system, the Consolidated Court Automation Programs (CCAP). The CCAP case management system is the lifeblood of the work of the circuit courts. The data will still be on our central repository, as we need all the data for statistics, for data requests, etc.

AB 754 would require us to re-program CCAP to hide the information from the WCCA Internet website. As we continue to hide more information from Internet access, the searches are going to take longer and longer. Each query will need to parse through all of the data it should hide from a search before it can display the results. As these cases will be around for 20 to 75 years there will undoubtedly be a lot of cases or charges that need to be kept but hidden.

Third, the language of the bill that refers to "cases or charges" is very problematic. Charging practices are not uniform throughout the state. A case filed against a defendant sometimes involves multiple counts or charges. Or multiple counts or charges can be filed as more than one case.

Very often in plea bargains, some charges are dismissed and read-in at sentencing. That means the charges are dismissed but the judge can take them into account for purposes of sentencing. The bill does not differentiate dismissed from dismissed and read-in. Hiding

these cases or charges will make other sentences seem too severe in the associated case or charge in comparison to other similar cases that do not include dismissed and read-in cases or charges as part of their sentence.

Fourth, the public will be able to determine when a charge is missing. Each charge is numbered. So, if count 1 was guilty, count 2 was dismissed and count 3 was guilty, the counts that displayed would be 1 and 3. It would be obvious there was more charges.

Fifth, the sentencing screen or court record screen on a case where the defendant was found guilty or pled guilty could very easily display information that refers to a count that is no longer viewable. Sometimes a dismissed case or read-in charge is referred to right in the text on the court record. Even if we did hide the charge, someone can still discover that the defendant had 2 charges against him or her at one point. This will be the case for most counties as the clerks use in-court processing to take their on-line minutes. Milwaukee County has been doing this since 1998.

To try to remove all references to dismissed charges within a case will be impossible to do electronically from CCAP. It would require manual review and modifying of the official court record by the clerks of court for literally hundreds of thousands of cases.

Finally, we are greatly concerned about the cost to CCAP of changing the website. AB 754 does not provide any resources for the court system to perform the computer reprogramming that will be necessary, nor does it provide any lead time for us to perform this work. Our preliminary estimate of the reprogramming costs is approximately \$20,000. If enacted, AB 754 will require us to defer other work presently being done.

For these reasons, we urge you to reject AB 754. I would be happy to answer any questions you may have. Thank you.





# Wisconsin Association of Criminal Defense Lawyers

P.O. Box 6706 • Monona, WI 53716-6706 • (608) 223-1275 • Fax (608) 223-9329 • [www.wacdl.com](http://www.wacdl.com)

## Testimony to the Assembly Committee on Corrections and Court

In support of AB 754

**Peter McKeever**  
Executive Director  
Wisconsin Association of Criminal Defense Lawyers

February 13, 2008

Mr. Chairman, Honorable Members:

I am Peter McKeever, and I am the Executive Director of the Wisconsin Association of Criminal Defense Lawyers. I appreciate the opportunity to testify today in support of AB 754.

The Wisconsin Association of Criminal Defense Lawyers (WACDL) has more than 400 members practicing in all corners of the state. Our organization is committed to promoting the proper administration of criminal justice; fostering and maintaining the integrity, independence and expertise of the defense lawyer in criminal cases; and encouraging an unyielding concern for the protection of individual rights and due process.

AB 758 is badly needed legislation, and we wholeheartedly support it.

Our criminal justice system in Wisconsin and in this country is premised on a presumption that one is considered innocent until proven guilty in a court of law. Maintaining records on CCAP of charges for which there is no conviction, no proof of guilt, undermines that very basic principle of justice, one of the hallmarks of our society.

Our members frequently see individuals who have difficulty getting employment, credit or housing, or other similar benefits of living in our society, because their names appear on CCAP, even though they have never been convicted of a crime, or their conviction has been

overturned and the underlying charges dismissed.

Let me give you an example of what happens, and why the current law is not fair. I have changed the name, but the facts are essentially identical to a situation in which I represented a young Iraq War veteran.

Consider the hypothetical, but very common case of Bill Smith a UW-Stevens Point student. Recently discharged from military service and newly enrolled in school as a freshman, at age 22, he goes out to a bar for the first time since he arrived in town, planning to meet friends. After waiting in line to get into the place for 45 minutes, and not being used to the crowds and the noise, when he does get in he realizes that he is having a panic attack and he leaves to regain his composure. When he tries to reenter a few minutes later, and not realizing that he has to go through the long line again, the bouncer physically grabs him. Bill reacts instinctively and pushes off, and the bouncer puts him on the ground in a scuffle. A squad car happens by and Bill is arrested for disorderly conduct and charged in circuit court, not municipal court.

Bill hired an attorney who looked at his medical records and explained the situation to the local district attorney, who agreed to dismiss the charges if Bill did not have any additional disorderly conduct charges in the next nine months. This is a fairly standard resolution for somebody with no record.

Nine months later, Bill is clean, the charges are dismissed, and off he goes to get an education and make a life for himself. He graduates, applies for a job for which he is qualified, and after being offered the job, is then turned down when the employer claims he lied on his application about whether he had ever been convicted of a crime. The employer checked CCAP and found the old DC misdemeanor charge, and either ignored or did not understand the

disclaimers.

Regardless of the fact that he answered the application question honestly – he has never been convicted of a crime - he does not get the job. Ironically, and perhaps most unfairly, if Bill had been charged in municipal court, the charge would never have even been on CCAP. Many offenses can be charged in circuit court as a misdemeanor or alternatively in municipal court as a citation. How the arresting office handles it can be a decision can haunt someone who is charged forever.

Bill has lost the presumption of innocence. His would-be employer has refused to hire based solely on his CCAP record, even though there was no conviction.

Yes, the Wisconsin Fair Employment Act ought to prevent this kind of discrimination, but it often does not, and it is difficult and expensive to bring a successful claim under that act. Face it, employers discriminate, and they often do so based on inaccurate information in CCAP.

Records in CCAP of charges that have been dismissed, or the defendant has been acquitted, or of charges have been dismissed after a conviction was overturned on an appeal ought to be expunged from CCAP. Maintaining those records serves no useful or legitimate public policy purpose. Instead, maintaining these records subjects individuals to employment discrimination and the inability to get housing and other setbacks that have the capacity to change whether one has the full opportunity to advance in this thing we call life. A dismissed charge or an acquittal becomes a stigma instead of irrelevant history.

On behalf of the Wisconsin Association of Criminal Defense lawyers, I urge you to pass this important legislation and remove this stain on the presumption of innocence. Doing so will make the justice system more just.

Thank you, and I would be glad to try to answer any questions you might have.





February 21, 2008

Assembly Committee on Corrections and Courts

Dear Rep. Bies:

RE: Assembly Bill 754

The Wisconsin Clerks of Circuit Court Association (WCCCA) has concerns about Assembly Bill 754 as drafted. It creates exceptions to the types of records that are now displayed on the Wisconsin Circuit Court Access web site. Currently, the WCCA Website displays records that are not confidential by statute or sealed by court order. It displays these records for the amount of time that Supreme Court Rule 72 establishes as a minimum retention period for the corresponding paper record. The bill as proposed creates new problems that may outweigh the problems that it is intended to resolve.

This bill creates an exception for WCCA that would require the removal of dismissed civil forfeiture, misdemeanor and felony cases after 90 or 120 days from the date of dismissal.

The Wisconsin Clerks of Circuit Court Association (WCCCA) is concerned that these types of exceptions will erode the integrity of the website, because it will not accurately reflect the actual records that exist. For example, some charges are dismissed and read-in for sentencing purposes, or are dismissed as part of plea negotiations. This would not be clear from the edited record. This could lead to a misunderstanding of what really happened. A stipulated dismissal in a civil forfeiture case involving pollution charges against a corporation would not appear on the website.

Removing cases or charges after they have already been on the website may create problems for individuals and workload issues for the clerks' staff. This is because many companies harvest data from the website and the record of the initial charge will become part of credit histories or "background checks". Individuals will then have to get the original paper documents from the clerks' offices to clear up these issues.

Average citizens use the website to do their own informal checks of potential dates, new family members or tenants. They would want to know that a person was charged with a crime even if they were not ultimately convicted.

Thank you for your consideration.

Sincerely,

Sheila T. Reiff  
Clerk of Circuit Court, Walworth County





# Wisconsin Clerks of Circuit Court Association

————— *Serving Wisconsin Courts* —————

February 27, 2008

**President**

**KRISTINE DEISS**  
PO Box 1986  
West Bend, WI 53095-1986  
Tele: 262-335-4354  
FAX: 262-335-4776

Representative Garey Bies  
Room 125 West, State Capitol  
P.O. Box 8952  
Madison, WI 53708

**Vice President**

**KAREN HEPFLER**  
711 N. Bridge St.  
Chippewa Falls, WI 54729  
Tele: 715-726-7769  
FAX: 715-726-7786

RE: Assembly Bill 754

Dear Representative Bies:

**Secretary**

**KAREN RANSANICI**  
300 Taconite St.  
Hurley, WI 54534  
Tele: 715-561-4084  
FAX: 715-561-4054

The Wisconsin Clerks of Circuit Court Association has concerns about Assembly Bill 754 as drafted. The bill as proposed creates new problems that may outweigh the problems that it is intended to resolve.

**Treasurer**

**NANCY ROBILLARD**  
1205 S. Duluth Avenue  
Sturgeon Bay, WI 54235  
Tele: 920-746-2007  
FAX: 920-746-2520

Currently, the Wisconsin Circuit Court Access (WCCA) website displays records that are not confidential by statute or sealed by court order. It displays these records for the amount of time that Supreme Court Rule 72 establishes as a minimum retention period for the corresponding paper record.

**Executive Committee**

Karen Hepfler, Chair  
John Barrett, Dist. 1  
Tari Wheary, Dist. 2  
Jeffrey Schmidt, Dist. 3  
Nan Todd, Dist. 4  
Eldred Mielke, Dist. 5  
Bernie Flatoff, Dist. 6  
Pam Radtke, Dist. 7  
Linda Dumke-Marquardt, Dist. 8  
Cindy Kimmons, Dist. 9  
Renaë Baxter, Dist. 10

This bill creates an exception for WCCA that would require the removal of dismissed civil forfeiture, misdemeanor and felony cases after 90 or 120 days from the date of dismissal.

**Legislative Committee**

John Barrett, Dist. 1, Co-Chair  
Sheila Reiff, Dist. 2, Co-Chair  
Carolyn Evenson, Dist. 3  
Diane Fremgen, Dist. 4  
Carlo Esqueda, Dist. 5  
Louise Schulz, Dist. 6  
Carolyn Olson, Dist. 7  
Lonnie Wolf, Dist. 8  
Sue Krueger, Dist. 9  
Karen Hepfler, Dist. 10

The Wisconsin Clerks of Circuit Court Association is concerned that these types of exceptions will erode the integrity of the website, because it will not accurately reflect the actual records that exist. For example, some charges are dismissed and read-in for sentencing purposes, or are dismissed as part of plea negotiations or settlement agreements. This would not be clear from the edited record and could lead to a misunderstanding of what really happened. Charges that are dismissed and read-in are legitimate charges. For example, two cases in Milwaukee County Circuit Court (2007CF000393 and 2007CF003690) involved a total of 36 counts of fraud related charges against an individual. A plea agreement resulted in a guilty plea on four of the counts in case 2007CF393. The remaining 28 counts were dismissed and read-in for sentencing. All four counts in case 2007CF003690 were dismissed but read-in for sentencing. A court record that did not clearly reflect this situation would be very misleading. Case 2007CF003690 would not even appear on the WCCA website. Wouldn't a landlord or an employer want to know the whole story?

Representative Garey Bies

Page 2

February 27, 2008

Removing cases or charges after they have already been on the website may create problems for individuals and workload issues for the clerks' staff. This is because many companies harvest data from the website and the record of the initial charge will become part of credit histories or "background checks". Individuals will then have to get the original paper documents from the clerks' offices to clear up these issues.

Average citizens use the website to do their own informal checks of potential dates, new family members or tenants. They would want to know that a person was charged with a crime even if they were not ultimately convicted.

There is alternative solution to the problems that some people experience because of records appearing in court records and on the WCCA website. The legislature could expand the authority of the courts to expunge certain dismissed cases or convictions

Sincerely,

A handwritten signature in cursive script that reads "John Barrett".

John Barrett, Co-Chair  
Wisconsin Clerks of Circuit Court Association  
Legislative Committee





# JULIE LASSA

## STATE SENATOR

Assembly Bill 754 Testimony  
Assembly Committee on Corrections and Courts  
Room 415 NW  
9:00 a.m.

No Date

Chairman Bies and Committee Members,

Thank you for the opportunity to provide testimony today on Assembly Bill 754.

I was prompted to pursue this legislation after hearing from my constituent, Rex Oelhoff, who is here today. He'll tell you about his experiences in detail in a moment or two, but I would like to summarize the ordeal that he went through and that he continues to go through.

Several years ago, Rex was falsely accused of child abuse, a very serious crime. After a thorough investigation by the District Attorney's office, however, it was concluded that the allegations had no basis and the charges were dismissed without prejudice. Unfortunately, he has faced discrimination and hardship ever since then because of his CCAP entry. Rex went through the necessary steps to get his federal record expunged and was successful. His county record still remains though. He doesn't have the financial means to file a civil suit for restitution, so he continues on every day, unable to change his situation.

For Rex and others who have gone through similar circumstances, who face distrust and discrimination on a daily basis, a presumption of innocence is far from reality.

As all of us in this room know, CCAP is technically a record of court proceedings. We generally assume that these records will not be used in illegal ways. What we hear in these stories, though, is that a presumption of innocence for these individual is simply not the case. Even with a disclaimer included on the front page of the CCAP website, these individuals face distrust and even discrimination in employment, in loan applications, even in relationships. They face this despite being innocent.

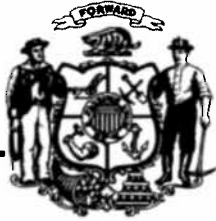
Since Representative Vos and I introduced this legislation last month, we have received many calls and emails from Wisconsin citizens who are in the same boat as my constituent. Their reasons for having CCAP entries are varied – some have been falsely accused of crimes, others have gone to trial to clear their name and been found not guilty. Their experiences because of having a CCAP entry, though, are largely the same.

I want to be clear that the aim of this bill is not, as some have argued, to protect the guilty. In fact, it is quite the opposite. The goal behind this legislation is to protect people like my constituent, Rex Oelhoff, people who have been proven not guilty and who should not face illegal discrimination.

Thank you for your time and consideration of this legislation. I'd be happy to answer any questions that you might have.







# Robin J. Vos

State Representative • 63<sup>rd</sup> Assembly District • Racine County

**Assembly Bill 754 ~ Removal of certain records from CCAP  
Assembly Committee on Corrections and the Courts  
State Representative Robin Vos**

No  
Date

Dear Chairman Bies and members of the committee:

Thank you for holding a hearing today on Assembly Bill 754 relating to the removal of certain cases off the consolidated court automated internet web site (CCAP). This legislation is in response to certain constituent and other citizen contacts as well as a follow-up to the Legislative Council Study Committee on Expunction of Criminal Records that I chaired in the summer of 2006.

During my work with the committee, a resounding concern was that individuals whose cases were dismissed or individuals who were found not guilty of a charge still had their case listed on CCAP. While they were essentially cleared of all the charges, the public's ability to view this information was causing discrimination and stereotyping that affected these individuals ability to function in society. Thus Senator Lassa and I have introduced companion legislation (AB 754 and SB 458) that addresses the problem by removing cases from CCAP that have been cleared after a certain period of time.

Specifically, AB 754 does the following:

1. Remove a case or charge involving a civil forfeiture or misdemeanor from CCAP within **90 days** after being notified that:
  - The case or charge has been dismissed.
  - The defendant has been found not guilty of all of the charges.
  - The case or charge has been overturned on appeal and dismissed.
2. Remove a case or charge involving a felony from CCAP within **120 days** after being notified that:
  - The case or charge has been dismissed.
  - The defendant has been found not guilty of all of the charges.
  - The case or charge has been overturned on appeal and dismissed.

In speaking with the Director of the State Courts office, it is my understanding that this legislation would affect 40,000 cases annually; however this is a very rough approximation. Also, please note that this legislation would only affect cases on CCAP and not the courts case management system viewable by court and judicial personnel. I also understand that the Director of State Courts has various concerns with this legislation such as implementing the program change. I will be happy to work with him and his office to address these issues.

In a society today where personal information can be accessed easily by a few clicks of a button, it is important that we find ways to safeguard people's lives and allow them to be productive members of society. It simply isn't fair that someone who is declared innocent to have a guilty charge held against them their whole life.

Thank you again for your consideration and I'd be happy to answer any questions on Assembly Bill 754.



About 40,000 cases.

Cases only on CCAP

WCCA

754

AB

No Date

Goes against the <sup>policy of</sup> open and accessible court system.

Check court citation in Voelker's testimony about judge quote of abuse of power.

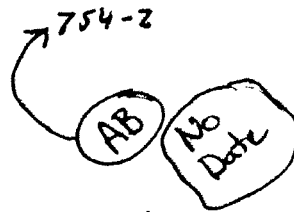
The delay in removal will only remove access to the data for the public - the data mining companies will still have it.

Voelker:  
★ Maybe the better route is expungement.

Voelker:  
Terms of cases & charges problematic

Voolker

The numbering of charges



Voolker

References to removed charges will remain

Cost → 20k programming

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kt.

This bill does not ~~fix~~ <sup>fix</sup> the problem, rather it treats a symptom.

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The Courts are concerned about this system, but the authors are concerned about the real world.

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Bies If could be charged in mini court but goes thru circuit court because that is what is available, the charge should not appear on WCCA.