

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB663)**

Received: 01/26/2010

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Aaron

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

CCAP access

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**Instructions:**

See attached

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**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>
/1	phurley 01/26/2010	wjackson 01/26/2010	mduchek 01/26/2010	_____	lparisi 01/26/2010	lparisi 01/26/2010	

FE Sent For:

<END>

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/1	phurley	/1 WLJ 1/26	 1/26	_____	_____	_____	_____

FE Sent For:

<END>

## Hurley, Peggy

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**From:** Dumas, Aaron  
**Sent:** Tuesday, January 26, 2010 3:16 PM  
**To:** Hurley, Peggy  
**Subject:** FW: AB 663 FE

Hi Peggy,

Do you agree with Paul about the potential issue below? If so, can we get an amendment for this?

Thanks much,

*Aaron Dumas*

Office of Representative Marlin Schneider  
72nd Assembly District  
[Aaron.Dumas@legis.wisconsin.gov](mailto:Aaron.Dumas@legis.wisconsin.gov)  
(608) 266-0215 Toll Free 1-888-529-0072  
Capitol 204 North  
P.O. Box 8953 Madison, WI 53708

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**From:** Ziegler, Paul D - DOR [<mailto:PaulD.Ziegler@revenue.wi.gov>]  
**Sent:** Tuesday, January 26, 2010 3:04 PM  
**To:** Dumas, Aaron  
**Cc:** Gates-Hendrix, Sherrie L - DOR; Barth, Linda S - DOR  
**Subject:** RE: AB 663 FE

Aaron -- We just noticed that AB 663 has been scheduled for a hearing for tomorrow afternoon. While I cannot ensure you that we will have our fiscal note issued by that time, there is a technical concern with the bill that may need to be addressed by an amendment.

The amendment would ensure that the bill is consistent with the intent as stated in the LRB analysis.

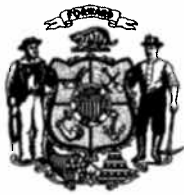
Here is the concern:

On page 4, lines 13-18, a person may request that the director of state courts remove from the CCAP web site all information relating to a case or charge. If the director of state courts then determines that the information does not meet the requirements necessary for content to be included in the database intended for the general public, the director of the state courts is to remove the information.

Our concern is that both databases (both the limited version for the general public and full version for judges, law enforcement, DOR, etc.) are to be accessible by the web site. Consequently, this paragraph of the bill appears to require that the director of the state courts remove the information from both databases, rather than only the version available for the general public (which the final paragraph of the LRB analysis suggests is the intent).

To correct this technical issue, line 16 of page 4 of the bill could be amended to specify that the information would only be removed from the database available to the general public (i.e. under "s.758.20 (2) (b) of the bill) rather than removed from both databases (even though both versions are to be accessible by the internet).

Paul Ziegler, Team Leader  
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Division of Research and Policy  
Wisconsin Department of Revenue  
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## 2009 ASSEMBLY BILL 663

January 22, 2010 – Introduced by Representatives SCHNEIDER, ROYS, A. WILLIAMS and KESSLER. Referred to Committee on State Affairs and Homeland Security.

1     **AN ACT to create** 758.20 of the statutes; **relating to:** restricting access to and  
2           limiting information contained in the Consolidated Court Automation  
3           Programs and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the director of state courts established a consolidated electronic system. This system, known as the Consolidated Court Automation Programs (CCAP), contains information about civil and criminal cases filed in the circuit courts in this state, including information about the parties and their attorneys; documents filed; and deadlines, decisions, and outcomes of cases. CCAP also contains information on family court proceedings; probate proceedings; John Doe proceedings; reviews of certain administrative proceedings; tax warrants; mechanics', construction, condominium, or other types of liens; civil lawsuits; eviction proceedings; and domestic violence and other restraining orders and injunctions.

The information on CCAP is available for free on an Internet Web site. The Web site has no limitations on who has access to the information, although information in certain types of cases is not available to the public. CCAP allows a user to search for all civil and criminal cases in which a person or entity, who is the subject of the search, has been a party.

Currently, the initial CCAP Web page for each criminal and traffic or other civil forfeiture case contains the following statements: 1) for each criminal and traffic or other civil forfeiture case, a statement that employers may not discriminate against

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persons because of arrest and conviction records, except in certain circumstances; 2) for each criminal and traffic or other civil forfeiture case that did not result in a conviction or forfeiture, a statement that the charges were not proven and have no legal effect, and that the defendant is presumed innocent; and 3) for each traffic or other civil forfeiture case in which a forfeiture but no criminal conviction was imposed, a statement that the charge or charges in the case are not criminal offenses.

Under this bill, the director of state courts maintains a database that is accessible to the general public on the CCAP Web page and that provides case information only after a court has done one of the following: 1) makes a finding that a person is guilty of a criminal charge; 2) makes a finding that a person is liable in a civil matter; 3) orders a person to be evicted; or 4) issues a restraining order or injunction against the person.

Under the bill, the director of state courts maintains a separate database that contains public records of circuit courts and that is accessible on the CCAP Web page to judges, court commissioners, and other court or state and local agency employees, law enforcement officers and employees of law enforcement agencies, lawyers, accredited journalists, and licensed debt collectors.

Under the bill, the director of state courts removes from the database that is accessible to the general public on the CCAP Web page all information relating to a case if a finding or order related to the case or charge is reopened, vacated, set aside, or overturned on appeal.

Under the bill, if a user searches for a person's name on CCAP and subsequently denies the person employment, housing, or another public accommodation, the user must inform the person that he or she searched for the person's record on CCAP. A user who fails to do so may be fined \$1,000.

Also under the bill, upon the written request of a person whose case information is currently available on CCAP, the director of state courts must remove from the database that is accessible on CCAP to the general public any information relating to a case if there was no finding of criminal guilt or civil liability, an order of eviction, or the issuance of a restraining order against the person or if the finding or order was subsequently reopened, vacated, set aside, or overturned.

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

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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           “Wisconsin Circuit Court Access Internet Web site” means the Web site of the
- 4           consolidated court automation programs, which is the statewide electronic circuit

**ASSEMBLY BILL 663**

1 court case management system established under s. 758.19 (4) and maintained by  
2 the director of state courts.

3 (2) (a) The director of state courts shall maintain a database that is accessible  
4 via the Wisconsin Circuit Court Access Internet Web site to every person listed in  
5 sub. (3) (a) and that contains public records of the circuit courts.

6 (b) The director of state courts shall maintain a database that is accessible via  
7 the Wisconsin Circuit Court Access Internet Web site to every person listed in sub.  
8 (3) (b) that contains information about a case or criminal charge only after a court  
9 has done one of the following:

- 10 1. Entered a finding of guilty in a criminal matter.
- 11 2. Entered a finding of liability in a civil matter.
- 12 3. Entered an order of eviction.
- 13 4. Issued a restraining order or an injunction against a person.

14 (c) The director of state courts shall remove all information relating to a case  
15 or a criminal charge contained in the database under par. (b) if a finding or order  
16 related to the case or criminal charge is reopened, vacated, set aside, or overturned  
17 on appeal. If a new finding, judgment, or order is subsequently entered in the case  
18 or criminal charge, the director of state courts may enter the information as provided  
19 under pars. (a) and (b).

20 (3) (a) The following persons shall have access to the information described in  
21 sub. (2) (a) and contained on the Wisconsin Circuit Court Access Internet Web site:

- 22 1. Justices, judges, magistrates, court commissioners, and other employees of  
23 state, federal, or municipal courts and agencies in Wisconsin who require access to  
24 court documents and records in the course of their employment.

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

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

6           4. Members of the Wisconsin Newspapers Association, the Wisconsin  
7 Broadcasters Association, and any other Wisconsin media organization designated  
8 by the director of state courts.

9           5. A debt collector licensed under s. 218.04.

10          (b) A person who does not meet the requirements under par. (a) may have access  
11 to the information described in sub. (2) (b) and contained on the Wisconsin Circuit  
12 Court Access Internet Web site.

*From the database that is accessible under (3)(b)*

13          (4) A person may request, in writing, that the director of state courts remove  
14 from the Wisconsin Circuit Court Access Internet Web site all information relating  
15 to a case or charge against the person. Upon receiving the request, the director of  
16 state courts shall remove the information if it does not meet the requirements under  
17 sub. (2) (b) or if the finding of guilt or liability was reopened, vacated, set aside, or  
18 overturned on appeal.

19          (5) Any person who requests information from the Wisconsin Circuit Court  
20 Access Internet Web site shall inform the person who is the subject of the request that  
21 he or she sought information about that person if he or she denies that person  
22 employment, housing, or any public accommodation. Any person who intentionally  
23 fails to comply with this subsection shall be required to forfeit \$1,000 for each failure  
24 to comply.

**SECTION 2. Initial applicability.**

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1           (1) This act first applies to judgments, findings, or orders entered on the  
2 effective date of this subsection, except that a request made under s. 758.20 (4), as  
3 created by this act, applies to information available on the Wisconsin Circuit Court  
4 Access Internet Web site on the effective date of this subsection.

5           (2) This act first applies to requests for information made on the effective date  
6 of this subsection.

7           **SECTION 3. Effective date.**

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

10                                       (END)





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1383/1

PJH:/:....

WLj

ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 663

by  
noon  
1-27-10

1 At the locations indicated, amend the bill as follows:

2 √1. Page 4, line 16: after "information" insert "from the database under sub. (2)

3 (b)".

4 (END)