

Fiscal Estimate Narratives

DOR 1/27/2010

LRB Number	09-4032/1	Introduction Number	AB-0663	Estimate Type	Original
Description Restricting access to and limiting information contained in the Consolidated Court Automation Programs and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The Consolidated Court Automation Programs (CCAP) system, established by the Director of State Courts, currently includes information on criminal and civil cases filed with the circuit courts. The CCAP system also includes information on family court proceedings, probate proceedings, tax warrants, liens, civil lawsuits, eviction proceedings, and restraining orders. Access to CCAP is free through the Wisconsin Circuit Court Access Internet Web site. CCAP has no limitations on who has access to the information, but certain information is not available to the general public.

The Department of Revenue's collection agents and support staff use CCAP as a resource to verify information, assist taxpayer's with tax warrant questions, update records, and locate current addresses of delinquent taxpayers.

Under this bill, the Director of State Courts is required to maintain a database which contains public records of the circuit courts. Information in this database, accessible via the Wisconsin Circuit Court Access Internet Web site, is to be available to justices; judges; magistrates; court commissioners; law enforcement agencies; licensed attorneys; the employees of state, federal, or municipal courts or agencies; and the employees of law enforcement agencies and licensed attorneys. For these individuals and/or entities and their employees, access to this database is limited to those who require access to court documents and records in the course of their employment. In addition, this database is to be available to any member of the press or other media organization and any licensed debt collector.

Also under the bill, the Director of State Courts is to maintain a separate and more limited database that is available to the general public. This database shall contain information about a case or criminal charge only after a court enters a finding of guilty in a criminal matter, enters a finding of liability in a civil matter, enters an order of eviction, or issues a restraining order or an injunction against a person. This data base is also to be accessible via the Wisconsin Circuit Court Access Internet Web site. The Director of State Courts is to remove information related to a case or criminal charge from the database available to the general public if a court's finding or order related to the case or charge is reopened, vacated, set aside, or overturned on appeal. If a new finding, judgment or order is issued by the court and entered in the case, the Director of State Courts may enter the information into this database.

The bill also provides that an individual may request that information be removed from the public database. This request may be granted if the information does not relate to a finding of guilt, liability, order of eviction, or restraining order (and thus is not required to be maintained on the public database). A technical amendment to the bill may be necessary, however, to maintain the information on the broader database that, under the bill, is available to the courts, law enforcement, and other specified individuals and/or entities (including the Department of Revenue).

An additional provision of the bill specifies that if a user searches for a person's name on the Wisconsin Circuit Court Access Internet Web site 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.

The bill is not anticipated to impact the Department of Revenue's tax administration duties, tax collection abilities, or the department's administrative costs.

The Department of Revenue does not have data on the use CCAP by local governments. Consequently, the department cannot ascertain the impact of the bill on local governments.

Long-Range Fiscal Implications