

2013 DRAFTING REQUEST

Bill

Received: 7/24/2013 Received By: phurley
Wanted: As time permits Same as LRB: -1223
For: Lena Taylor (608) 266-5810 By/Representing: Eric
May Contact: Drafter: phurley
Subject: Courts - miscellaneous/other Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Taylor@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Limiting information on and access to ccap

Instructions:

09 AB 663, as amended by AA1 & 2

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 7/24/2013	evinz 7/24/2013	rschluet 7/25/2013	_____	mbarman 7/25/2013	lparisi 7/29/2013	State

FE Sent For:

<END>

At Intro.

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<END>



STAYS

2749//
(Mr)

7-24-13

2013 ASSEMBLY BILL 253

June 20, 2013 - Introduced by Representatives GOYKE, SARGENT, KESSLER, HEBL and POPE, cosponsored by Senator L. TAYLOR. Referred to Committee on Judiciary.

gen cat

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.

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 site. The Internet 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 Internet site 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 Internet site to judges, court commissioners, and other court or state and local agency employees, law enforcement officers and employees of law enforcement agencies, lawyers, journalists, licensed debt collectors, employees or agents of financial institutions, realtors and certain other people involved in the sale of real estate or in mortgage or other lending, and landlords.

Under the bill, the director of state courts removes from the database that is accessible to the general public on the CCAP Internet site 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 the CCAP Internet 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 the CCAP Internet site. 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 the CCAP Internet site, the director of state courts must remove from the database that is accessible on the CCAP Internet site to the general public any information relating to a case if there was no finding of criminal guilt or civil liability, order of eviction, or 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.

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:

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1 **758.20 Consolidated court automation programs.** (1) In this section,
2 “Wisconsin Circuit Court Access Internet site” means the Internet site of the
3 consolidated court automation programs, which is the statewide electronic circuit
4 court case management system established under s. 758.19 (4) and maintained by
5 the director of state courts.

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

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

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

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

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

ASSEMBLY BILL 253**SECTION 1**

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

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

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

9 4. Members of the Wisconsin Newspapers Association, the Wisconsin
10 Broadcasters Association, and any other Wisconsin media organization designated
11 by the director of state courts.

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

13 6. Real estate brokers or real estate salespeople licensed under s. 452.03.

14 7. Employees or agents of a financial institution, as defined in s. 214.01 (1) (jn),
15 a mortgage banker or mortgage broker licensed under s. 224.72, a sales finance
16 company licensed under ss. 218.0101 to 218.0163, or a lender licensed under s.
17 138.09.

18 8. Landlords.

19 9. Employees or agents of a company that provides services related to the
20 preparation of a title report in connection with the purchase or sale of real property.

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

24 (4) A person may request, in writing, that the director of state courts remove
25 from the Wisconsin Circuit Court Access Internet site all information relating to a

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1 case or charge against the person. Upon receiving the request, the director of state
2 courts shall remove the information from the database described in sub. (2) (b) if it
3 does not meet the requirements under sub. (2) (b) or if the finding of guilt or liability
4 was reopened, vacated, set aside, or overturned on appeal.

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

11 **SECTION 2. Initial applicability.**

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

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

18 **SECTION 3. Effective date.**

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

21 (END)

Parisi, Lori

From: Peterson, Eric
Sent: Monday, July 29, 2013 10:10 AM
To: LRB.Legal
Subject: Draft Review: LRB -2749/1 Topic: Limiting information on and access to ccap

Please Jacket LRB -2749/1 for the SENATE.