



2009 ASSEMBLY BILL 340

July 8, 2009 – Introduced by Representatives SCHNEIDER, KESSLER and A. WILLIAMS.
Referred to Committee on Criminal Justice.

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 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 may only provide case information on CCAP after a court does 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 an injunction against a person.

The bill allows free access to CCAP to Wisconsin judges or other court officials, law enforcement personnel, attorneys, and accredited journalists. The bill allows access to CCAP information to any other person who pays a \$10 annual fee and registers his or her name and address with the director of state courts. The bill requires the director of state courts to keep a registry and log of each user who pays the annual fee that records the searches each user performs. 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.

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 any information relating to a case that did not result in a finding of criminal guilt or civil liability, an order of eviction, or the issuance of a restraining order against the person.

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.

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1 **(2)** The director of state courts may not include in the Wisconsin Circuit Court
2 Access Internet Web site any information about any case or charge until a court does
3 one of the following:

4 (a) Enters a finding of guilty in a criminal matter.

5 (b) Enters a finding of liability in a civil matter.

6 (c) Enters an order of eviction.

7 (d) Issues a restraining order or an injunction against a person.

8 **(3)** (a) The following persons shall have access to the information contained on
9 the Wisconsin Circuit Court Access Internet Web site at no charge:

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

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

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

18 4. Members of the Wisconsin Newspapers Association, the Wisconsin
19 Broadcasters Association, and any other Wisconsin media organization designated
20 by the director of state courts.

21 (b) A person who does not meet the requirements under par. (a) may have access
22 to the information on the Wisconsin Circuit Court Access Internet Web site if the
23 person provides his or her full name and address and pays the fee specified in par.

24 (c). The director of state courts shall maintain a record of each person who has access
25 under this paragraph that includes the person's name, address, and the name of each

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1 person about whom he or she requests information from the Wisconsin Circuit Court
2 Access Internet Web site.

3 (c) Annually, a person who seeks access to the information on the Wisconsin
4 Circuit Court Access Internet Web site under par. (b) shall pay a \$10 fee to the
5 director of state courts. The director of state courts shall transmit the fees to the
6 department of administration for deposit in the general fund.

7 **(4)** The director of state courts shall make available an option to provide online
8 the information required under sub. (3) (b) and to pay online the fee required under
9 sub. (3) (c).

10 **(5)** A person may request, in writing, that the director of state courts remove
11 from the Wisconsin Circuit Court Access Internet Web site all information relating
12 to a case or charge against the person. Upon receiving the request, the director of
13 state courts shall remove the information if it does not meet the requirements under
14 sub. (2).

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

21 **SECTION 2. Initial applicability.**

22 (1) This act first applies to judgments, findings, or orders entered on the
23 effective date of this subsection, except that a request made under s. 758.20 (5), as
24 created by this act, applies to information available on the Wisconsin Circuit Court
25 Access Internet Web site on the effective date of this subsection.

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

3 SECTION 3. Effective date.

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

6 (END)