EVAN
GOYKE
STATE REPRESENTATIVE
18th ASSEMBLY DISTRICT

September 12, 2013

Public Testimony of State Representative Evan Goyke

Re: Assembly Bill 253

Good afternoon Chairman Ott and fellow members of the Assembly Committee on Judiciary. It is an honor to have the opportunity to testify today.

I will begin and conclude my testimony today by clearly stating my intent in advancing this bill. I believe that innocent people should be able to remove the charges wrongfully filed or unproven against them from public internet view. Currently there is no way for the wrongfully accused to completely clear their names. Today we will hear examples of how harmful and how long lasting access to unproven charges can be.

CCAP (the Wisconsin Circuit Court Access Portal) communicates very complicated information in a very simple way. This is a good thing, but also poses part of the problem. Each case, whether civil or criminal, is complex. Even the smallest misdemeanor, or small claims petition, is often full of detail and nuance that is difficult, if not impossible, for a non-litigant to understand. And, more importantly, a simple misdemeanor, or small claims petition, is a serious experience in an individual's life. This is often the lowest or scariest moment in one's life. The details of these cases are often intimately personal, embarrassing, and uncomfortable for the individual to talk about, much less to know that anyone with computer access can read them.

The public has a right to information. The individual has a right to be protected. This bill, like many the legislature must debate, calls for us to balance public and individual rights. I believe when individuals are innocent, or the charges or claims are unproven, the balance weighs in favor of protecting the individual. On the other hand, when individuals have been proven guilty or liable, the balance weighs in favor of the public's right to know.

As Assembly Bill 253 has progressed this session, heightened attention has been drawn to how and why we access and use civil and criminal case information. I have been contacted by proponents and opponents alike, and would like to express my gratitude to both sides.

These contacts lead me to two conclusions and a proposed compromise.

First, this bill, in its current form, is not the perfect vehicle to accomplish the intent. I would like to thank my fellow Judiciary Committee members, on both sides of the political aisle, for meeting with me and discussing this reality. Chairman Ott and I met yesterday and I discussed with him that should this bill be debated further in an executive session, I would offer a substitute amendment to address the concerns of many in attendance today.

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I do not believe that separate access is necessary to accomplish my intent and I will eliminate it. I also do not believe that requirements or penalties for landlords or employers are needed and I will eliminate those as well.

What would remain is an avenue for the falsely accused and innocent to clear their names on CCAP.

At this point I must apologize to anyone that has traveled here today to point out possible problems with this bill should those changes not be suggested. I am committed to working on a compromise and ask my committee members to work with me to find a version that best protects all interests.

The second conclusion is that the ability to fully clear one's name is desperately needed. Since notice of today's hearing has received media attention, I have been contacted by individuals sharing their stories of the hardships they've suffered because of entries on CCAP. In my district, I have met dozens of constituents sharing the same stories.

Testifying with me today is one of my constituents, Ms. Tracy Olkwitz. Tracy will share her story of a twenty year old false accusation that remains on CCAP today. I've included with my testimony the extent of the public record available on CCAP for Tracy's case so the Committee members can experience what a CCAP user would see of her record.

Clearly CCAP issues a disclaimer that Tracy's case was dismissed and that it is unlawful to use the record against her. Access does not stop there and the public may mine deeper, and by following one link, will see that Tracy was charged with two counts of First Degree Sexual Assault of a Child Under 13.

There's an irony in Wisconsin. If Tracy had committed this crime, but negotiated a reduction of her charges, and qualified by age, she could have been granted expungement. Expungement is a court order removing both the paper documents at the courthouse and the corresponding electronic version on CCAP. Expungement is very important, positive, and should be expanded, but illustrates a problem in our system. A guilty person may have their record wiped clean, but an innocent person may not. I hope all can agree that this is not fair and needs to be changed.

I hope you listen to Tracy's story and those like hers. There is nothing different about Tracy, or anyone else that has been falsely accused or wrongfully sued. She could be anyone of our constituents. She could be anyone of us.

We need to stand up for Tracy and those like her. I ask my fellow Committee members and all present today to work in collaboration to solve this problem.

Thank you for the opportunity to testify and I welcome any questions.

September 12, 2013

Public Testimony of Ms. Tracy Olkwitz to the Wisconsin State Assembly Committee on Judiciary in Support of Assembly Bill 253

Mr. Chairman and Members of the Committee,

Thank you for holding a public hearing on this important piece of legislation and providing the opportunity for me to share my support for this bill and to share my story. In 1993, at the age of 25, I was falsely accused of molesting two 7-year old twin girls. I was charged with two class B felonies of 1st Degree Sexual Assault of a child under the age of 13. I faced forty years in prison for a crime I did not commit. On October 21, 1993, all charges against me were dismissed without prejudice, at the preliminary hearing, by Honorable Kathryn W. Foster. Lady Justice worked. The State of Wisconsin realized that they made a mistake & I was left to move on, pick up the pieces of my life & heal.

I don't want to expound on what this original ordeal cost me financially, psychologically, mentally & physically throughout the years. Nor do I wish to expound on what it encompassed to heal from it as for two decades now I still sometimes ask myself, "Can one ever truly & completely heal from such a sickening situation?" See, that's not why I'm here today. I'm here to share with you what the impact of my Waukesha County Case Number 1993CF000501 being on CCAP has had on myself, my life & the people around me.

Imagine what it's like to be sitting in a job interview & you're blindsided by being asked, "What happened back in 1993? You were charged with molesting children." The initial reaction comes first from my body with a sudden nauseous stomach. The second reaction is outrage but I have to keep my composure. The third reaction is the most real & human reaction as it leaves me wondering why my state has created a website search engine that anyone with internet access can not only just dig around in without any legal knowledge at all but I'm the one who is left to deal with the mess this has created as I have NO recourse to have this removed from CCAP?

See, it doesn't matter that a potential employer even asking me about the charges is in itself illegal because that's just shifting the blame & frankly, I am exhausted by how many times, in twenty years now that I've been told to sue those companies. That's not the solution & it certainly is not the problem. It's not their fault that they were given this tool & out of human curiosity use it blindly & often without realizing the true ramifications of their behavior.

Now imagine being a divorced 40-something year old woman who wants to become a foster parent, wants to look into adopting a child, become a big Sister in the Big Brothers & Sisters program, become a Girl Scout leader for my little nieces because their single mother is too exhausted to do it with her 60 hours a week job but auntie here has the time, energy & awesomeness to do it? I don't dare work in any capacity near children on the chance that some misguided yet well-meaning person looks me up on CCAP. I cannot become a teacher. That is

out of the question. I'd love to coach a forensics or debate squad at a school but that's out of the question also. Pursuing a higher education would mean I would have to move from Wisconsin permanently as why pursue that if I am already being scrutinized in the hiring process from a crime I didn't commit 20 years ago?

The worst is I can't volunteer to chaperone my niece's school events because all it's going to take is one parent looking me up on CCAP & causing a commotion. They live in a village of 32,000 people where everyone knows everyone so it ***will*** eventually happen. I'm the 4th generation to grow up there so I know this. See, I can handle the misguided adults. I've been dealing with this for 20 years now. What I can't handle is how that situation would harm my little nieces. They don't deserve that.

Two years ago I was suddenly in the position whereupon I had to move because our landlord was converting our building into a hospice care facility. I actually had one potential landlord not care about an eviction I had close to a decade ago but he grilled me about the two charges of first degree sexual assault on a child under 13. He actually asked me, "How come you're not on the Sex Offender's list? Did you do your time?" He actually had the audacity to say that he was fluent on using CCAP. My reply back was, "Well sir, if you are so 'fluent', as you put it, on using CCAP then how come your brain skipped over the words: 'Dismissed on Prosecutor's Motion'? How *could* you miss that? It's written four times throughout that document?"

When I got off the phone that day, I suddenly realized that eighteen years of dealing with trying to overcome a false allegation & because of CCAP & CCAP alone, I **AM** on the State of Wisconsin's Sex Offenders List. I'm on the unofficial one. And it doesn't even matter that I am completely innocent! We need to be frankly honest about this. As soon as someone sees "1st Degree Sexual Assault of a child under the age of 13" that is **ALL** they see. They don't see the person. They don't see the date even if it was decades ago. They don't see the words "dismissed". They don't even consider that someone was wrongly accused for such a heinous crime. Not only that, but why must I have to keep defending myself for twenty years now for something I did **NOT** do?!?!?

Can someone ***please*** help me understand how my state could build a machine without having had procedures first in place for people like myself? I do not understand how there is a procedure for expungements to be removed – whereupon a crime **WAS** committed & yet in cases like mine, I did **NOT** do it.... my case was dismissed – why does mine have to stay on CCAP? It feels like when CCAP was created, without such procedures, someone bound & gaged Lady Justice & I'm carrying the burden for an incomplete system.

I love Wisconsin. I'm very proud that our state is leading the way in having a liberal open records policy; However, I think that it's grossly irresponsible for us to not put some procedures & safeguards into the CCAP system & take that role more seriously. If we don't, we're not only going to lose good Wisconsinites who will have to move to another state in order to procure gainful employment, we will also lose face to the rest of the nation because we created an open records system that failed it's citizens miserably. I, for one, do not want to see that happen, do you?

Wisconsin Circuit Court Access (WCCA)

State Of Wisconsin vs Tracy M Arndt

Waukesha County Case Number 1993CF000501

All charges against Tracy M Arndt in this case have been **dismissed**. These charges were not proven and have no legal effect. Tracy M Arndt is presumed innocent.

Notice to employers: It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction only if the circumstances of the conviction substantially relate to the particular job. For more information, see Wisconsin Statute 111.335 and the Department of Workforce Development's Arrest and Conviction Records under the Law publication.

Wisconsin Circuit Court Access (WCCA)

State Of Wisconsin vs Tracy M Arndt

Waukesha County Case Number 1993CF000501

Filing Date	Case Type	Case Status
09-28-1993	Criminal	Closed

Defendant Date of Birth	Address
08-06-1968	1041 E. Knapp St., #606, Milwaukee, WI 53202

Branch Id	DA Case Number
12	PR9300414

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	948.02(1)	1st Degree Sexual Assault-child Under 13	Felony B	Dismissed on Prosecutor's Motion
2	948.02(1)	1st Degree Sexual Assault-child Under 13	Felony B	Dismissed on Prosecutor's Motion

Responsible Official	Prosecuting Agency	Prosecuting Attorney	Defense Attorney
Foster, Kathryn W.	District Attorney	Osborne, Kevin M	Flynn, Alexander

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Defendant

Defendant Name	Date of Birth	Sex	Race[1]
Arndt, Tracy M	08-06-1968	Female	Unknown

Address

1041 E. Knapp St., #606, Milwaukee, WI 53202

Address Updated On

09-28-1993

JUSTIS ID **Finger Print ID**

Defendant Attorney(s)

Attorney Name	Entered
Flynn, Alexander	10-22-1993

Charge(s)/Sentence(s)

Charge Detail

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea

Wisconsin Circuit Court Access (WCCA)

State Of Wisconsin vs Tracy M Arndt

Waukesha County Case Number 1993CF000501

Court Record Events

	Date	Event	Court Official	Court Reporter
1	11-01-1993	Letters/correspondence	Foster, Kathryn W.	
2	10-21-1993	Dispositional order/judgment	Foster, Kathryn W.	
3	10-21-1993	Preliminary hearing	Hassin, Donald J., Jr.	
4	10-21-1993	Order	Foster, Kathryn W.	
5	10-21-1993	Notes	Foster, Kathryn W.	
6	10-21-1993	Notes	Foster, Kathryn W.	
7	10-21-1993	Hearing	Foster, Kathryn W.	
8	10-14-1993	Motion hearing	Foster, Kathryn W.	
9	10-12-1993	Motion	Foster, Kathryn W.	
10	09-28-1993	Bail bond signature **Amount** $ 10000.00		
11	09-28-1993	Order	Hassin, Donald J., Jr.	
12	09-28-1993	Order	Hassin, Donald J., Jr.	
13	09-28-1993	Preliminary hearing	Foster, Kathryn W.	
14	09-28-1993	Hearing	Foster, Kathryn W.	
15	09-28-1993	Bail/bond hearing	Hassin, Donald J., Jr.	
16	09-28-1993	Complaint filed	Foster, Kathryn W.	
17	09-28-1993	Notes	Foster, Kathryn W.	

STATE REPRESENTATIVE
FREDERICK P. KESSLER
WISCONSIN STATE ASSEMBLY
12TH DISTRICT

I am a co-sponsor of this bill and a longtime supporter of modifying CCAP. This bill is very important to the people in my district and I urge you to support its passage for the following reasons.

The stigma of a prior offense can follow an individual like a life sentence. CCAP currently displays a defendant's pending charges before he or she has been found guilty or innocent - in effect, this allows a prospective employer or landlord to deny an applicant a job or housing before a verdict has been reached. This flies in the face of a major principle of our justice system – innocent until proven guilty.

Studies show that employers and landlords are more likely to reject an applicant with a record, or even a charge, no matter how long ago the incident occurred. The information posted on CCAP constitutes a significant barrier to leading a productive and law-abiding life - especially for people re-entering their communities after being released from prison. CCAP makes it difficult for people leaving prison to comply with their probation and parole requirements because they cannot find housing or decent jobs. CCAP also harms people victimized by false accusations. This bill would remove these barriers by eliminating the unnecessary and harmful information posted on CCAP.

CCAP currently has a disproportionately negative effect on poor people and people of color. The information on CCAP is currently the biggest barrier to employment in the black community. The reality is that employers simply do not hire people if they see on CCAP that they have been charged with a crime. In the 12th Assembly district for example, it contributes to higher rates of unemployment among Blacks and Latinos.

Last year, UW-Milwaukee released a new study on post-recession employment in Milwaukee. According to the UWM analysis of the most recent U.S. Census Bureau data, only 44.7% of the area's working-age black males ages 16 to 64 were employed in 2010, which is "the lowest level in metro Milwaukee ever recorded in census data." Only two of the nation's 40 largest metro areas analyzed in the study - Buffalo and Detroit - reported lower black male employment rates in 2010 than Milwaukee.

"No metro area has witnessed more precipitous erosion in the labor market for black males over the past 40 years than has Milwaukee," according to the report. "The 2010 data, however, revealed a new nadir for black male employment in Milwaukee." By 2010, barely more than half of African American males in their prime working years were employed, compared to 85 percent almost forty years ago.

Unemployment is a serious problem for Milwaukee and we should be doing all that we can to stimulate the economy by making it easier, not harder, for the unemployed to secure gainful employment.

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Supreme Court of Wisconsin

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Chief Justice

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A. John Voelker
Director of State Courts

September 12, 2013

The Honorable Jim Ott
Chair, Assembly Committee on Judiciary
Room 317 North, State Capitol
Madison, WI 53702

RE: Assembly Bill 253, Relating to Limiting Information Contained in CCAP

Dear Representative Ott:

Thank you for allowing me to appear today. On behalf of the Legislative Committee of the Judicial Conference and my office, I want to express our opposition to Assembly Bill 253. I hope you will consider the following information and concerns as you discuss this bill further.

AB 253 would mandate how the Director of State Courts maintains and manages the Wisconsin Circuit Court Access (WCCA) website. It also seeks to limit access to information contained on WCCA by creating a two-tiered database system of electronic court records. AB 253 represents a newer proposal similar to ones introduced in past sessions. We opposed these bills in the past. Many of our concerns continue with this new bill, and my testimony today mirrors testimony from January 2010. I have attached a copy of that testimony for reference.

The Consolidated Court Automation Programs, or CCAP, is the court system's case management system. WCCA is only one aspect of the CCAP system. WCCA was initiated in 1999 partly to reduce the workload demand on clerks of circuit court who were often contacted by litigants, lawyers, representatives of the media, and the public on the status of circuit court cases. WCCA is based on two basic principles: (1) the judicial branch controls the management of court records; and (2) access to court information would be available consistent with state law, including the spirit of transparency codified by the open records law. WCCA continues to abide by those principles today.

Recordkeeping is a critical function of the judicial branch. It is a function we take seriously. We understand the importance of tracking the records of the nearly one million cases that are filed in the circuit courts every year. In our effort to manage the records, we have developed and continually update key elements:

- Supreme Court Rule Chapter 72, entitled Retention of Court Records, provides detailed direction to court system personnel on the length of time records must be retained and how records are to be handled.
- The Model Recordkeeping Procedures Manual for use by the circuit courts and clerks of circuit court. The manual, developed by the judges and clerks of circuit

court on our Records Management Committee, instructs court personnel on every step of the recordkeeping process.

- A statewide electronic case management system; that is CCAP. Our state staff has a strong partnership with local circuit court staff. Since its inception, users have been actively involved in the software design process to ensure CCAP software is easy to use and functional. The CCAP Steering Committee, made up of judges and court staff, meets regularly to set policies and priorities for new functionality and enhancements of the CCAP system.

If adopted, AB 253 would start the Legislature down the path of mandating how the judicial branch, a co-equal branch of government, fulfills its constitutional responsibilities. Specifically, it would mandate how the judicial branch should maintain, display and provide access to the court record.

As an independent and co-equal branch of government, the court system must determine its own course of conduct by which it fulfills its constitutional and statutory responsibilities. AB 253 is an intrusion on the operation of the court system.

The other fundamental principle behind the court system's approach to its vital recordkeeping function is that access to court information be available consistent with state law, including the spirit of transparency codified by the open records law. We follow the principle identified in the declaration of policy in s. 19.31, Wis. Stats. that presumes complete public access, with denial of access being the exception. Records identified as confidential under statute are not available on WCCA. Otherwise, court information considered open by statute is accessible. AB 253 would make information otherwise considered open unavailable to the general public.

Beyond the important principles at stake here, I want to highlight several practical problems that implementation of AB 253 would create.

First, the bill would have the courts create, in effect, two sets of books. One would be the records maintained by the Clerks of Circuit Court, who are the official record custodians for the court records. The other would be the electronic repository maintained by CCAP. CCAP would continue to maintain a complete record of all cases, continuing its current status as an electronic "mirror image" of the records maintained by the clerks. Under the terms of AB 253, there could potentially be hundreds of thousands of people, both inside and outside of Wisconsin – judges, court system personnel, law enforcement, attorneys, media, debt collectors, real estate brokers and salespeople, financial institutions, landlords and real estate title companies – who would have access to this database. The general public would only have access to a second set of "books" that would be limited to post disposition information of a subset of publicly available cases.

Second, there would be significant programming and equipment costs to develop the system envisioned by AB 253. Programming costs come from redesigning WCCA to limit what case information is displayed. We estimate it would require an initial expenditure of approximately \$500,000 for programming and equipment, with ongoing costs of approximately \$125,000 per year. The costs would be significantly higher if a user verification and authentication process is required. This comes during a time in which CCAP services have been curtailed because of the \$11.8 million lapse required of the judicial branch in the current budget.

Third, additional administration is necessary to set up user accounts and passwords for those allowed access to the complete set of WCCA records. Monitoring who is allowed such access will be a major undertaking. In order to understand the scope of the task this bill requires, keep in mind CCAP currently maintains user accounts and passwords for approximately 3,000 court system personnel and county court staff. The nine different groups in the proposed s. 758.20(3)(a), who would be allowed access to the current WCCA database, comprise more than 200,000 persons. There are more than 115,000 real estate brokers and salespeople alone who are licensed by the Department of Safety and Professional Services. And more than 40,000 banks, credit unions, mortgage brokers and others licensed by the Department of Financial Institutions; many of these institutions may have employees or agents who reside in other state or even other countries.

Trying to control access so that only the proper persons described under section (3)(a) of the bill can access the full WCCA will be almost impossible. How will we be informed when debt collectors, landlords or any other persons have left employment and should no longer have access? Will we continually have to change user IDs and passwords to protect this information from those who are only allowed access to the "second set of books?" Will we allow for persons to self-identify as members of these groups or will we be required to establish a costly, bureaucratic process for authorization and verification? Not only are these requirements difficult to meet, but AB 253 provides no resources for the programmers and support staff necessary to implement the system.

Another difficulty relates to the penalties imposed for misuse. The bill contains no enforcement mechanism unless the courts create a means for tracking user activity and also a means for the public to search these access logs. This requires the court to provide members of the public with a search feature that allows them to view registered users that have searched their name.

While we have significant concerns about the legislative mandate of WCCA and about the administrative difficulties of the bill, we do recognize the tension that exists between the need for open records and the privacy interests of individuals. We also recognize the potential problems associated with some of the case information that is available electronically.

In 2005, I convened the WCCA Oversight Committee to advise me on whether and how to modify the policy that addresses electronic access to circuit court records. Among its many recommendations, which were primarily implemented, was that my office request the Legislative Council to study the issue of expungement of court records. The Legislative Council did create

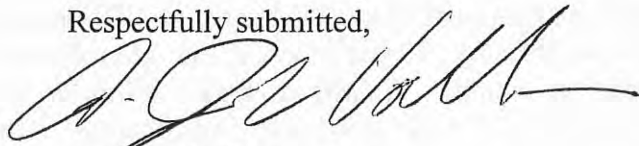
that study committee in 2006, but the committee failed to reach agreement on any new legislation on the issue of expungement. A second Legislative Council study committee in 2010 also failed to reach agreement.

I continue to favor the review of the issue of expungement rather than other legislative proposals that create a distinction between a paper record and the electronic record, or deal with the length of time court records are kept. Despite being broadened in 2009, the expungement statute has not been fully discussed in regard to giving judges additional tools to deal with individual circumstances.

In order to advance this issue, the Legislative Committee of the Judicial Conference and my office have been working on a draft of changes to the expungement statute. The draft addresses what we think are two areas that deserve particular attention – cases that result in dismissal or in not guilty verdicts or cases that only involve forfeitures. In addition, the draft seeks to clarify and simplify the procedures to be followed in expungement requests. We are presently working with legislators who will be finalizing this legislative draft in the next few weeks.

For these policy and administrative reasons, I urge you to reject AB 253. If you have questions, please do not hesitate to contact me or our Legislative Liaison, Nancy Rottier. Thank you.

Respectfully submitted,



A. John Voelker
Director of State Courts

AJV:NMR
Attachment
cc: Members, Assembly Committee on Judiciary
Senator Lena Taylor

Supreme Court of Wisconsin

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Shirley S. Abrahamson
Chief Justice

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A. John Voelker
Director of State Courts

January 27, 2010

The Honorable Frederick Kessler
Chair, Assembly Committee on State Affairs and Homeland Security
Room 302 North, State Capitol
Madison, WI 53702

RE: Assembly Bill 663, Relating to Limiting Information Contained in CCAP

Dear Representative Kessler:

My office opposes Assembly Bill 663, and I hope you will consider the following information and concerns as you discuss this bill further.

AB 663 seeks to limit access to information contained on the Wisconsin Circuit Court Access (WCCA) website to some Wisconsin citizens by creating a two-tiered database system of electronic court records. I recognize that AB 663 is a more modest proposal than an earlier version (AB 340), but many of our concerns continue with this new bill.

Although most people continue to refer to this Internet site as "CCAP," that name is not a correct reference of this court program. The Consolidated Court Automation Programs, or CCAP, is much broader and is responsible for all court technology systems. Beginning in 1987, the Director of State Courts Office, under the direction of the Supreme Court, started the process of automating the paper-based processes of the trial court system.

The CCAP case management system is the lifeblood of the work of the circuit courts. It includes multiple applications to allow the circuit courts to efficiently handle more than one million cases that are filed each year. Its software integrates case filing information, calendaring information, jury management, document imaging and financial management functions into an easy-to-use system available to both state and county court personnel. CCAP is an example of how a statewide automation system can improve the efficiency and effectiveness of government services. It serves as a national model.

WCCA is only one aspect of the CCAP system. WCCA was initiated in 1999 partly to reduce the workload demand on clerks of circuit court who were often contacted by litigants, lawyers, representatives of the media, and the public on the status of circuit court cases. WCCA is based on two basic principles: (1) the judicial branch controls the management of court records; and (2) access to court information would be available consistent with state law, including the spirit of transparency codified by the open records law. WCCA continues to abide by those principles today. WCCA is a reflection of paper court records kept in each county.

AB 663 is at odds with both of these basic principles, and dictates that the court system develops a second set of books available only to certain people.

As an independent and co-equal branch of government, the court system must determine its own course of conduct by which it fulfills its constitutional and statutory responsibilities. AB 663 would undermine this principle by instructing the judicial branch how to maintain, display, and provide access to court information. It is an intrusion on the operation of the court system.

The other fundamental principle behind WCCA is that access to court information would be available consistent with state law, including the spirit of transparency codified by the open records law. For example, records identified as confidential under statute are not available on WCCA. Otherwise, court information considered open by statute is accessible. AB 663 would make information otherwise considered open unavailable electronically. The declaration of policy in s. 19.31, Wis. Stats. is very relevant to your committee hearing today:

> "To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."

Recognizing that openness comes with responsibility, I convened a committee (WCCA Oversight Committee) in 2005 to review and possibly modify the policy that addresses electronic access to circuit court records. The committee included representatives from the courts, law enforcement, defense counsel, prosecutors, the legislature, the media, and a privacy advocate. Over the course of several months the committee developed 31 recommendations for changes to WCCA that would improve the accuracy and understanding of court information. We have implemented nearly all of its recommendations. (A copy of the committee's report is available on the court's website at http://www.wicourts.gov/about/committees/docs/wccafinalreport.pdf.) I have attached the current "Policy on Disclosure of Public Information Over the Internet."

The Oversight Committee also reaffirmed its adoption of the Guidelines for Public Access to Court Records of the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) as general principles to guide policy development. The guidelines were developed to assist states in developing record access policies. Under the guidelines, as a general rule, access should not change depending upon whether the court record is in paper or electronic form, although the manner of access may vary.

The committee did recognize the potential problems associated with some case information easily available electronically. The committee decided that it was best the legislature consider the issue of what information should be open or confidential. As a result, the committee recommended that my office request the Legislative Council to study the issue of expunction of court records.

The Legislative Council did create that study committee in 2006, but the committee failed to reach agreement on any new legislation on the issue of expunction. As the chair of the study committee, Rep. Robin Vos, noted in a May 10, 2007 memo to the study committee:

> The issues are numerous, complex and fundamental and present difficult public policy choices. To adequately deal with these issues, it may ultimately be necessary to consider them in a context much broader than civil and criminal court records.

In addition to policy concerns, AB 663 raises several administrative concerns.

First, the bill would have the courts create, in effect, two sets of books. One would be the records maintained by the Clerks of Circuit Court, who are the official record custodians for the court records. The other would be the electronic repository maintained by CCAP. CCAP would continue to maintain a complete record of all cases, continuing its current status as an electronic "mirror image" of the records maintained by the clerks. Under the terms of Assembly Amendment 663, there would be thousands of people in Wisconsin – judges, court system personnel, law enforcement, attorneys, certain media and debt collectors – who would have access to this database. The general public would only have access to a second set of "books" that would be limited to post disposition information.

Second, there would be significant programming costs to develop the system envisioned by AB 663. Programming costs come from redesigning WCCA to limit what case information is displayed. While it is very difficult to project an exact cost at this point, it will require numerous staff hours to complete the redesign.

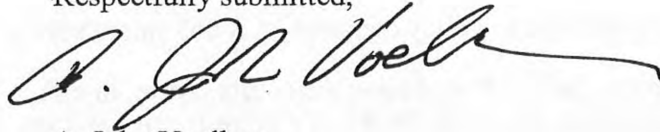
Third, additional administration is necessary to set up user accounts and passwords for those allowed access to the complete set of WCCA records. Monitoring who is allowed such access will be a major undertaking. Trying to control access so that only the proper persons described under section (3)(a) of the bill can access the full WCCA will be almost impossible. How will we be informed when law enforcement or media employees, for instance, have left employment and should no longer have access? Will we continually have to change user IDs and passwords to protect this information from those who are only allowed access to the "second set of books?" Not only are these requirements difficult to meet, but AB 663 provides no resources for the programmers and support staff necessary to comply. As a result, some personnel now working to support case management and financial management components of CCAP will need to be reassigned to support password administration.

Another concern is AB 663 will likely increase workload for the Clerk of Courts offices. If Internet access is not available, it is logical that businesses (title companies, landlords, etc) and members of the general public will seek to access records at the clerk's office. Clerks will need to provide more public access terminals and also have their staffs available to answer inquiries and pull case files. We will return to days prior to WCCA when companies had representatives

in the clerks' offices daily, entering data into their laptops to create usable – and profitable – databases of information. Court information will continue to be available, but it will be under the control of private companies. There will be no way for the court system to attest to the accuracy of any of these private databases.

For these policy and administrative reasons, I urge you to reject AB 663. If you have questions, please do not hesitate to contact me or our Legislative Liaison, Nancy Rottier. Thank you.

Respectfully submitted,



A. John Voelker
Director of State Courts

AJV:NMR
Attachment
cc: Members, Assembly Committee on State Affairs and Homeland Security

Director of State Courts
Policy on Disclosure of Public Information Over the Internet

Wisconsin Circuit Court Access

1. Definitions:
   a. The definitions contained in the Open Records Law, Wis. Stats. §§ 19.21-.39, shall apply to this policy.
   b. *Consolidated Court Automation Programs (CCAP)*. The case management system created by the Wisconsin Director of State Courts consisting of a database of case information from Wisconsin circuit courts. References in this policy to actions to be taken by CCAP refer to the CCAP Steering Committee or the Director of State Courts.
   c. *Circuit court*. All offices and branches of a circuit court, including but not limited to judges, the clerk of circuit court, the clerk's deputy, or deputies; probate court; juvenile court; or other specialized court or court office that uses CCAP as a case management system.
   d. *Open records*. Those records that are by law accessible to an individual making a records request in the circuit court.
   e. *Confidential records*. Those records that are not by law accessible to an individual making a records request in the circuit court.
   f. *Wisconsin Circuit Court Access (WCCA)*. A public-access Internet website containing open record information compiled by CCAP. References in this policy to actions to be taken by WCCA refer to the WCCA Oversight Committee.

2. Information on WCCA available to the general public:
   a. WCCA shall contain information from only those portions of the case files generated by the Consolidated Court Automation Programs (CCAP) that are open records and otherwise accessible by law to an individual.
   b. WCCA shall not contain information from closed records that would not otherwise be accessible by law to an individual because of specific statutory exceptions, such as juvenile court records, guardianship proceedings, and other such case types or records.
   c. CCAP shall not be required to make available on WCCA all information in a case file that may be public record, nor is CCAP required to generate new records or create new programs for extracting or compiling information contained on WCCA.
   d. The Open Records Law does not allow record custodians to demand either the identity of a requester or the use to which a requester intends to put the information gathered [Wis. Stats. § 19.35(1)(i),]. Accordingly, WCCA shall not require identification or an intended purpose before allowing public access to the WCCA website.
   e. WCCA shall not charge for accessing information through the website. However, WCCA may impose a service charge or assess user fees for requests for bulk distribution or for data in a specialized format.
   f. WCCA may limit the number of records searched on any single request.
   g. WCCA contains information as it exists at a specific point in time in the CCAP database. Because information in the CCAP database changes constantly, WCCA is not responsible for subsequent entries that update, modify, correct or delete data. WCCA is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained previously from WCCA is still accurate, current and complete.
   h. WCCA shall not contain:
      a. the record of any criminal conviction expunged by the circuit court
      (Note: When a court orders expunction of a record, the underlying CCAP database is modified to remove the record. When database updates are transferred to WCCA, the previous record will no longer appear. WCCA makes no reference to records that have been expunged (or otherwise altered). Requests for such records report only that no record has been found, in the same manner that WCCA would otherwise report "null" searches. WCCA is not responsible for the fact that requests made before the expunction will show the conviction, while requests made after the expunction will not show the conviction.)
      b. the "day" from the date of birth field for non-criminal cases
      c. the driver's license number in traffic cases
      d. "additional text" fields for data entered before July 1, 2001, in all cases.
   i. WCCA contains only information from the CCAP database from those counties using all or part of the CCAP system. Because extraneous actions are not normally reflected in the CCAP database or the circuit court files, WCCA does not include information on them. Examples of extraneous actions are gubernatorial pardons, appellate decisions, and administrative agency determinations.

3. Correcting information on WCCA:
   a. Neither CCAP nor WCCA creates the data on WCCA. Circuit court employees in counties using CCAP create the data. Neither CCAP nor WCCA is responsible for any errors or omissions in the data found on WCCA.
   b. An individual who believes that information on WCCA is inaccurate may contact the office of the clerk of circuit court in the county in which the original case file is located to request correction.
   c. The clerk of circuit court in the county in which the original case file is located shall review requests for corrections and make any appropriate corrections so that records on WCCA reflect the original case records.
   d. Corrections shall be entered on CCAP and will be made available on WCCA in the same manner in which information is otherwise transmitted to WCCA.

4. Privacy for victims, witnesses and jurors:
   a. The data fields that contain the names of victims, witnesses and jurors are not available on WCCA.
   b. Various documents completed by court personnel using CCAP occasionally require the insertion of names of victims, witnesses or jurors. Examples include:
      1. court minutes that provide the names of witnesses called to testify or jurors who have been considered for jury duty;
      2. judgments of conviction that may provide "no-contact" provisions concerning victims;
      3. restitution orders that may contain the name of a victim;
      4. restraining orders/injunctions that may provide victim identities.

      These data elements are normally inserted into "additional text" fields by circuit court personnel based on the individual county's policies and procedures on the amount, detail, or type of data inserted. CCAP and WCCA recommend that court personnel entering information concerning crime victims into court documents use initials and dates of birth rather than full names whenever doing so would not defeat the purpose of the court document.
   c. Because the "additional text" fields contain information critical to the understanding of many of the court record entries, denying access to those fields because of the occasional inclusion of the name of a victim, witness or juror would be contrary to the public interest in providing meaningful access to open court records.

5. Public access to electronically filed documents, scanned documents or imaged documents contained in circuit court files:
   a. WCCA shall evaluate whether to provide access to documents that have been filed electronically, scanned or otherwise imaged by the circuit court so long as those documents would otherwise be fully accessible under this policy.
   b. The electronic filing, scanning or imaging of some documents in a court file does not require that all other documents in that file be scanned or imaged.
   c. The electronic filing, scanning or imaging of some documents in files in a case type does not require that all documents in all other files in the same case type must be scanned or imaged.

6. Non-public access to closed records available on CCAP:
   a. CCAP may maintain a non-public website that contains information that would otherwise be a closed record.
   b. CCAP may authorize an appropriate law enforcement agency, prosecutor's office or other individual or agency electronic access to those closed records to which they would otherwise be entitled to access.
   c. CCAP may require an appropriate security screening mechanism that limits the accessibility to closed records to those who are lawfully entitled to such access.
   d. Authorization to access closed records for legitimate purposes is not authorization for redisclosure beyond that which is lawfully allowed. The individual or agency to which disclosure has been allowed is solely responsible to ensure that no further unauthorized redisclosure of closed records occurs.

Wisconsin Freedom of Information Council

DEVOTED TO PROTECTING WISCONSIN'S TRADITION OF OPEN GOVERNMENT

Rep. Jim Ott, chairman
Assembly Committee on Judiciary

September 12, 2013

Dear Chairman Ott, members of the Committee:

Thank you for this opportunity to testify on AB 253. I represent the Wisconsin Freedom of Information Council, a statewide group that seeks to protect public access to meetings and records. Our sponsoring organizations include the Wisconsin Newspaper Association, the Wisconsin Broadcasters Association and the Wisconsin Associated Press.

I have been involved in addressing calls to limit access to online court records since shortly after the system was created in 1999. I have served on several committees established by the state courts system to set policy for WCCA, or CCAP as it's called, as well as on both Legislative Council committees that have studied this issue, the one chaired by Rep. Robin Vos in 2006 and 2007, and the one chaired by Rep. Kelda Roys and later Rep. Ed Brooks in 2010 and 2011.

All of these committees ultimately chose not to shut down public access to these records, as AB 253 would do. I think those were wise decisions.

That said, I think we all need to acknowledge that the supporters of this bill are right: Some employers and others use the information on this system to unfairly deny opportunities to applicants. I do not believe this practice is as widespread as the system's critics claim. I have heard credible testimony from representatives of business groups and landlord associations attesting to their commitment to follow the law and use the system in appropriate ways.

AB 253 would shut down online access to new court cases, unless they lead to a finding of criminal guilt or civil liability. It exempts numerous players, including lawyers, debt collectors and journalists. The Wisconsin Freedom of Information Council is not placated by this change; we do not believe the media or other chosen groups should have greater access to public records than other citizens. We are also concerned about who decides whether someone is a member of the media and, therefore, who may have access.

The passage of AB 253 would undercut WCCA's usefulness. Crime victims could no longer find information about pending prosecutions. Records showing that charges against an individual were dismissed or led to a

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finding of not guilty would no longer appear. If a person made a habit of filing frivolous lawsuits that inevitably get thrown out of court, there would be no record of this activity. Court staff would be overwhelmed by calls for case scheduling and other basic information that is now available online.

Passage of this bill would be a boon for private providers of court records data, those companies that offer to run background checks on people for, say, $10 a pop or $30 for full access each year. And those private operators do not have the same checks on accuracy as does the state's system.

In fact, under this bill, WCCA would go from being a tool for tracking what happens in our state court system into being a registry of known offenders. Only the names of those found guilty would appear.

This change would surely not put an end to the wrongful use of this information. But there is a provision within AB 253 which the Wisconsin Freedom of Information Council would support, because it responds to a perceived problem stemming from public information not by restricting access but by providing more information.

I refer to the provision to require employers, landlords and others who use WCCA to screen applicants and subsequently deny them employment, housing or other public accommodations to disclose this. In fact, I think anyone who uses this system to screen applicants for jobs, housing and public accommodations should say so, whether or not they reject the applicant.

The Council takes no position on the amount of the proposed fine, but we support the requirement that certain users of this system acknowledge this to applicants. It may go a long way toward helping ensure compliance with existing laws, and giving applicants the opportunity they seek to put what appears on WCCA into its proper perspective.

Best,

Bill Lueders
President

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P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

MEMORANDUM

Date: September 12, 2013

To: Representative Jim Ott

From: Sara Buschman

Re: Department Position on 2013 AB 253

The Department of Children and Families (DCF) opposes 2013 AB 253 because it includes provisions that would hinder the operations of child welfare agencies. It is imperative that the Department is able to have the tools to protect Wisconsin's children, youth, and their families.

The basis for the Department's opposition is provided below.

- To fulfill requirements under s. 48.685, DCF child welfare licensing staff review CCAP information prior to approving a provider license for child placing agencies, residential care centers, group homes, and shelters. Similarly, private child placing agencies and contractor staff under contract with DCF or a county child welfare agency review CCAP information prior to approving a license for foster and adoptive parents.

- In addition, as required under the caregiver background check administrative rules, DHS 12.06(2)(c), child welfare agencies are required to look at "any pattern of offenses" when making hiring decisions and use CCAP to review convictions and arrests related to offenses that are substantially related to client care.

- Under AB 253, state licensing staff may continue to have access via a non-public CCAP version to the information needed to complete statutorily required CCAP reviews as a condition of licensing.

- The bill does not allow private child welfare agencies, including child placing agencies, group homes, shelters, and residential care centers, access to the non-public CCAP version. As specified in DHS 12, these agencies are required to review this information as a condition of making hiring and licensing decisions. In addition, the bill does not allow private child placing agencies and private firms under contract with DCF or a county access to the non-public CCAP version. As a result, these entities will not have access to the information they currently use to meet the background check requirements for foster and adoptive parent licensing.

- It is unclear if the bill prohibits tribal access to the non-public site because they may not be considered a federal, state or municipal government under 758.20(3)(a)1.

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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Judiciary

FROM: David Callender, Legislative Associate

DATE: September 12, 2013

SUBJECT: Opposition to Assembly Bill 253, Restricting Access To and Limiting Information on CCAP

The Wisconsin Counties Association opposes Assembly Bill 253.

Assembly Bill 253 effectively creates a two-tier system of access to court information through the Circuit Court Automatic Program: one system that is accessible to the general public and another system that is accessible to court officials, state and local agency officials, law enforcement, journalists, debt collectors, financial institutions, Realtors and other persons involved in the sale, financing, or lease of real estate.

WCA believes that this two-tier system would impose additional costs and administrative duties on the court system at a time when the courts and counties can least afford it. As the Committee is aware, the 2013-15 biennial state budget reduces state funding for courts by $5.15 million over the next two years. WCA is concerned that these reductions will inevitably be passed onto counties.

If AB 253 is enacted, the result will be additional costs for courts, which will also likely be borne in part by counties.

WCA respectfully requests the Committee to reject AB 253 on this basis.

Please feel free to contact WCA for additional information.

GIESE & WEDEN, S.C.

ATTORNEYS AT LAW

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September 12, 2013

Representative Jim Ott
Chair, Committee on Judiciary
Room 317 North, State Capitol
Madison, Wisconsin 53708

Re: AB 253

Dear Chairman Ott:

I represent the Apartment Association of Southeastern Wisconsin, Inc. as attorney and lobbyist. Our association is a trade organization representing property owners and managers throughout the greater Milwaukee area.

We oppose the passage of AB 253 for several reasons:

(1) A landlord could use CCAP and find nothing adverse but then reject the tenant because their income is inadequate or because of a bad reference from a prior landlord. But if they forget to tell the prospective tenant that they also checked CCAP, they are liable for the $1000 forfeiture. This provision does not require that the *reason* for the rejected employment or housing must be based on CCAP information.

(2) Many landlords have property management companies or on-site resident managers handle the tenant screening. These persons would not be allowed full access to CCAP unless the bill were amended to include "landlords or *agent of a landlord*."

(3) The bill imposes a new burden on landlords to advise all rejected applicants for housing, *whether or not the applicant so requests*, that their name has been run through a CCAP check. A better solution would be to allow rejected applicants to ask whether the rejection is based on any information gleaned from CCAP and then to allow the landlord or employer to simply respond, "Yes, we did check your name on CCAP as part of our screening process."

(4) The $1000 forfeiture is excessive. And to whom does the forfeiture get paid? The subject of the record search? Some state enforcement agency?

We urge the Committee to be exceedingly cautious in making any changes to public records laws which are so important to Wisconsin's tradition of openness of court proceedings.

Respectfully,

Heiner Giese

Apartment Association of South Central Wisconsin
702 N High Point Road, Suite 203, Madison, WI 53717 **www.aascw.org**

MEMO

September 12, 2013

To: Members of the Assembly Judiciary Committee

RE: AB 253

The Apartment Association of South Central Wisconsin would like to go on record as opposing AB 253 dealing with access to CCAP information.

Even though under the proposal our members are including in the select group of individuals allowed access to most of the current CCAP data, we do not think the public should be divided into the "good" and the "bad" with some having full access and others having limited access.

Either a record is public, or it is not.

Applicants for loans, potential tenants, and those on the other end of the transaction with those included in the select group would be denied a chance to see what their counterparties see on CCAP.

Lastly, the disclosure notice to those denied housing seems to be set up to ask for a lawsuit as the denied party will almost certainly conclude that it must have been something that the landlord saw on CCAP that led to the denial – especially if they are not able to see the full record themselves. Current law already adequately protects those whose applications are denied.

Thanks for your attention to this issue and if you have any further questions feel free to contact our representative: Bob Welch – 608 819 0150.

Legal Action of Wisconsin

FROM: Jill Kastner, Road to Opportunity Project
Legal Action of Wisconsin, Inc.,
230 West Wells St., Suite 800, Milwaukee, WI

RE: 2013 ASSEMBLY BILL 253, relating to Restricting Access to and Limiting Information Contained in the Consolidated Court Automation Programs

DATE: September 12, 2013

Legal Action of Wisconsin, Inc. (LAW) is a nonprofit organization funded by the federal Legal Services Corporation, Inc., to provide civil legal services for low income people in 39 counties in Wisconsin – across a territory that extends from the very populous southeastern corner of the state up through Brown County in the east and La Crosse County in the west. Among LAW's priorities are preventing homelessness and the family instability that results from homelessness and helping individuals overcome civil legal barriers that prevent them from containing and retaining family-sustaining employment. LAW supports AB 253 because of our experience with how the information made available on CCAP about dismissed prosecutions and evictions is being used to stigmatize Wisconsin residents, particularly low income people, and used to justify refusals to hire, rent to, and/or enroll in training or educational programs.

AB 253 does not adversely affect any Wisconsin citizen's constitutional or statutory right to access court records. CCAP is a tool that makes access to public records easier and more universal with consequences that are both positive and negative. AB 253 recognizes that it is the legislature's responsibility to balance the competing public interests in ease of access to court records and preventing illegal discrimination in employment and housing, particularly discrimination that has a disparate impact on the state's most vulnerable individuals.[1]

I. AB253 WILL LIMIT UNLAWFUL USE OF DISMISSED ACTIONS

Individuals whose cases are dismissed, or who are found not guilty by a jury, or who have their convictions overturned are innocent, as a matter of law. Wisconsin has recognized that involvement in the criminal justice system that does not result in a conviction is inherently stigmatizing. To that end, state law forbids considering arrests that do not lead to convictions in most employment decisions.[2] The consolidated data base administered by the Department of Justice's Crime Information Bureau (CIB) not only compiles records of individuals' encounters

[1] That public policy has been simply and eloquently characterized by the legislation as the intent to protect the rights of all individuals to obtain gainful employment ... and to encourage the full, nondiscriminatory utilization of the productive resources of the state to the benefit of the state, the family, and all the people of the state. Wis. Stat. § 111.31(2).

[2] One of the greatest barriers to employment is the existence of criminal records. Wis. Stat. 111.321.

with the justice system, it sells criminal background record reports to the general public. Any individual with an arrest on his record that does not lead to a conviction can request that the record be removed from the CIB report sold to the general public. (Wisconsin Stat. § 165.84(1) provides "Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in connection therewith returned upon request.") This policy recognizes that the state is not required to supply, through a consolidated database, information that cannot be used for a legal purpose by a public employer. AB 253 would provide a similar mechanism for WCAA data.

CCAP clearly understands the stigmatizing effect of WCCA publication of information about dismissed case—right now dismissals and other actions that do not result in a conviction are published with a warning that this information should not be used illegally. Unfortunately, that warning alone is insufficient to prevent the problem it recognizes.

Employers who do criminal background checks ordinarily have to inform potential employee that such a check is being done, obtain identifying information from the applicant, and provide copy of the record they are relying on. Such procedures give an applicant a chance to correct a record error, an employer's misunderstanding of the meaning of a record, and, most importantly, an opportunity to fight illegal discrimination. But CCAP access and use is completely unregulated—there is no record of how information is used or who accesses it. For CCAP supporters, that is one of the system's great strengths, and something that should not be changed. Because the system is not regulated or use tracked, simple fairness requires the legislature to take some action to restrict the most harmful consequences.

LAW clients report, employers, clinical placement supervisors and other employment specialists confirm that CCAP searches are regularly used because such searches are free, easy, and provide information about arrest and charging histories. Individuals who seek that information are often open about their belief that they can discern—from CCAP information—that cases were dismissed on a technicality, or that several arrests indicate criminality that was simply not proven. Thus, the way they use the information is very often unlawful.

Recent studies of eviction show the analogous effect of arrest and conviction records with eviction records. Evidence suggests that eviction actions have a particularly pernicious effect on women, and women of color, increasing the rate of residential mobility, decreasing their chances of finding decent and affordable housing, and making it likely that they, and there families, will be homeless for an extended period of time. Those immediate effects also limit employment opportunities and contribute to an increasing feminization of poverty.[3]

[3] Single mothers and their children remain among the poorest of America's demographic groups (Duncan and Brooks-Gunn 1997; McLanahan and Kelly 1999). Children of single mothers are five times more likely to live below the poverty line than those raised by married parents (Christopher 2005); over half of poor families are female-headed households (U.S. Bureau of the Census 2007), (Elmelech and Lu 2004).

LAW's experience with representing defendants in eviction actions suggests these effects are not restricted to those who are actually evicted and are found legally liable for some failure as a tenant. Former clients of LAW's housing unit have previously testified that having been involved in an illegal eviction action—which ended in dismissal—made it difficult to find another landlord. Dismissals are regularly treated as evidencing liability or failure on the part of a tenant, stigmatizing them as troublemakers or undesirables.

Examples

A victim of domestic violence files for an injunction against her abuser. In retaliation, the abuser files a request for an injunction against his victim. His action is promptly dismissed due to lack of merit; her request for injunction is granted. CCAP still shows that an injunction was sought against her. Despite the fact that the request for injunction was meritless, employers do not hire her and landlords do not rent to her because of her "record."

A couple opens their home to adopt a troubled girl with mental health problems. She falsely accuses the husband of sexual assault. He is charged with first degree sexual assault of a child. Although the charges are dismissed on the prosecutor's own motion, the dismissed charge is still available on CCAP. He is unable to find employment. Most employers will not tell him why he is turned down, but several tell him it is because they are unwilling to take the risk of hiring someone with that type of offense on his record.

A woman is charged with criminal damage to property and theft. The charges are false, and the case is dismissed. Years later, she is turned down from a nursing program because she has a "theft" on her record. She appealed this decision and, with the help of counsel, was eventually accepted into the nursing program. However, she lost a semester of schooling during the process.

Had AB 253 been in effect, each of the above victims could have had the dismissed matters removed from the general CCAP database so that they would not have faced unlawful discrimination and would not face similar unlawful discrimination in the future.