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Access to online court records should be limited

By FREDERICK P. KESSLER

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Should your neighbor know that you got into a fistfight when you were 18? Should your fellow church members know your traffic records? What privacy rights should you be entitled to?

A Journal Sentinel editorial took issue with a bill that I have co-sponsored ("No to closing records," Aug. 21). Assembly Bill 418 is legislation intended to ensure that individuals who have made a mistake in life get a second chance. This is achieved by limiting access to court records so that the doors are not closed to people who have reformed.

In 2006, the U.S. Department of Justice estimated that 48 million Americans have a criminal record, nearly one of every six American citizens. All these people are not "criminals"; they are friends, parents, sons and daughters.

Individuals who have a record often find it difficult to attain housing, scholarships, loans or employment. These are some of the very tools that people need to change their life and become responsible members of the community. Without a decent job or a place to live, individuals are far more likely to reoffend and cost taxpayers more in court and corrections expenses.

Currently, all of Wisconsin's criminal, civil, divorce and traffic court records are available for anyone to view on the state's Consolidated Court Automation Programs Web site, or CCAP. It shows all cases that have entered the court system, including many cases in which a person was charged but not convicted.

In an ideal world, employers and landlords would consider that people can mature and would overlook a minor offense from years ago, but that is not always the case. Studies show that employers and landlords are more than likely to reject an applicant with a record as evidence of a personality defect that would render them a poor employee or tenant, no matter how long ago it occurred. The stigma of a prior offense can follow individuals like a life sentence.

I acknowledge that there are very important reasons for public access to court records. In certain situations, access is appropriate. Day care centers and schools, for example, need the ability to ensure that potential employees are not sex offenders. Court records would still be readily available should a situation call for access. This bill does not seal any court records, but it allows for court records to be regulated at the local level at the discretion of the district attorney and clerk of courts.

While access would no longer be as simple as going on the Internet, an individual seeking to obtain specific court records would be required to do little more than fill out a simple form. The requester would be required to provide the name and address of the person of interest as well as the requester's name, address and the purpose of the request. Regulation of records at the county level can ensure that the request is reasonable and that there is a need to view the records.

Records would also remain open to law enforcement and others, such as attorneys and members of the media, who regularly deal with court documents in the course of their job duties or have a substantial need for access.

This bill is not an attempt to limit transparency or place obstacles and barriers to the media. The media's ability to act as the public's watchdog is not impaired. However, the right to snoop on one's neighbors for no good reason would be limited. Preserving individual privacy is an important consideration. That right is fairly balanced with free speech in this proposal.

Everyone benefits when people who have made mistakes are allowed to pay their debt to society and then are able to move past their offense, obtain employment and a place to live and lead a productive, law-abiding life.

Rep. Frederick P. Kessler is a Democrat from Milwaukee.

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