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Public Record
Authority*

*The Public Record Update
April 2018*

Record Searching Issues at King County (WA) District Courts

Note: The purpose of this article is to inform about changes in King County (Seattle). As explained in previous editions of this newsletter, the state of Washington has made significant changes regarding online access to public record information from the courts. To review detailed information about these changes taking place, including details on the online accessible systems SCOMIS, DISCIS, the new Odyssey System, DW Search Engine, ClerkePass, etc., please visit www.brbspublishings.com/freeresources/FreeArticles.aspx.

King County's New Case Management System

The King County District Court (with 10 locations) is the largest court of limited jurisdiction in the state of Washington and is currently responsible for processing approximately a quarter of a million cases per year. The District Court is responsible for misdemeanor and gross misdemeanor violations, civil litigation matters up to \$100,000 per claimant, Eviction, Small Claims (\$5,000), Traffic, Ordinance, and other matters too lengthy to list here.

In late 2017, the District Court(s) in King County began using a new case management program called the **KCDC e-Filing Portal**. Phase 1 of this switch involved uploading cases initiated with a civil summons and complaint, for filings of a foreign judgment, for filings of a money judgment from a District or Municipal court, for petitions to challenge a drug based property forfeiture, and petitions for return of animals.

Issue One

Now that when case information is placed in the KSDC e-Filing Portal, the King County District Court is no longer systematically uploading this case information into any of the the statewide systems such as JIS-Link or into the new Odyssey system.

Issue Two

The manner in which the new King County District Court Case Management System is organized has unfortunately created a very negative impact on record searching. Per feedback from locals, researchers have lost the ability to filter by date, case type, party type, or even pull a judgment index. There are no identifiers. A name search generates a splat of cases that are not in chronological order and each listing must be researched and few details are provided. One must stand in line at the clerk's office to obtain detailed case information or to secure document copies. The county did add certain standard access abilities prevalent in JIS (and typically found in other states' systems), but these perks are restricted to use only by attorneys and case participants.

Issue Three

In the 3rd Quarter 2018 the KCDC Case Management System will pull in Criminal and Infractions as well as Civil Phase II (which includes small claims, civil protection orders, vehicle impounds and name changes). At this time it is assumed that the District will Court implement the same search procedures currently in place and will stop updating criminal data into the JIS-LINK system.

The Bottom Line

In short, the new system was not designed to be used as a name search tool and therefore is extremely clumsy and problematic for performing any name searching. Locals are hoping that county officials will eventually take time to understand the depth and needs of the record search industry and fix the drawbacks of the new system before the criminal record portion is loaded. Otherwise the record searching at these courthouses could very well be chaotic later this year when Phase 2 is adopted, and the WA court system will no longer have a true statewide searchable database of court records.

U.S. Dept of Justice Releases Latest Survey Regarding State Criminal Record Repositories

Latest DOJ Survey Includes Some Disturbing Facts on the Currency and Accuracy of Records

Employers and state occupation licensing boards often depend on states' criminal record repositories as primary resources when performing a criminal record background checks. However, employers and boards may not realize that a search of these record repositories may not be as accurate and complete as assumed, regardless if fingerprints are submitted. There are three key reasons why the completeness, consistency, and accuracy of state criminal record repositories could be suspect-

1. Timeliness of Receiving Arrest and Disposition Data
2. Timeliness of Entering Arrest and Disposition Data into the Repository
3. Inability to Match Dispositions with Existing Arrest Records

The basis for these concerns is supported by documented facts **provided by the U.S. Department of Justice (DOJ)**. Every two years the DOJ's Bureau of Justice Statistics releases an extensive *Survey of State Criminal History Information Systems*. This latest survey, **released February 2018**, provides statistics compiled from March thru June 2017 by SEARCH, the National Consortium for Justice Information and Statistics. The 132-page document with 40 data tables is available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=273696>.

Here Are Some Eye-Catching Facts Reported by This Survey

14 states report 20% or more of all dispositions received could NOT be linked to the arrest/charge information in the state criminal record database. 13 states don't know how many dispositions they have that cannot be linked. (Table 8a)

- 8 states report a delay when a felony case is decided and when the record is received by repository of at least 31 days and as much as over one year. (Table 8b)
- 9 states report an additional delay of at least 31 days and as much as over one year after the record has been received and before it is entered into the state's criminal record database. (Table 8b)
- There were 2,294,309 unprocessed or partially processed court case dispositions left hanging for 23 states including 502,009 from AZ, 331,200 from CT, and 225,500 from PA. (Table 13)
- There were 23,297,400 name-based background checks performed by states nationwide. One wonders about the accuracy of these checks when compared to the same name searched at the

courts. (Table 14)

To view a 2-page document with specific state facts per the tables mentioned above, please visit <https://www.criminalrecordsources.com/documents/CrimReposit.pdf>.

Motor Vehicle News

CA - New Cannabis Law (and Other Measures)

In 2018, This law prohibits smoking or ingesting marijuana or marijuana products while driving or riding as a passenger in a vehicle. The DMV has assigned negligent operator point counts for this violation. See https://www.dmv.ca.gov/portal/dmv/detail/pubs/newsrel/2017/2017_94 for list of new 2018 laws.

IL - New DUI Measures

Effective January 1, 2018 (see www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0149)

- An individual who drives a vehicle using a driver's license that has been revoked or suspended due to a conviction for aggravated DUI that resulted in a fatality will be guilty of a Class 4 felony.
- A person who drives after a license has been suspended or revoked because of drunk driving that led to someone's death cannot have driver's license reinstated for three additional years after their conviction.
- A person who drives on a license suspended or revoked due to an aggravated DUI that resulted in the death of another, that person will be imprisoned for up to 30 days or will be required to complete 300 hours of community service. An individual who violates this law a second or subsequent time will be guilty of a Class 2 felony, and they will be required to serve a mandatory prison sentence without being eligible for probation or conditional discharge.

KS -

New DUI Measure

In 2018, the Kansas legislature passed Caitlin's Law ([House Bill 2439](#)) named after a Johnson County woman who was killed by a repeat drunk driver in 2016. Per the new law, a person with a previous DUI conviction will have a recommended prison sentence of eight years rather than the previous sentence of five and a half years. The law goes into effect July 2018.

MI - Michigan's Driver Responsibility Fee Law Amendment

A March, 2018 amendment to the Driver Responsibility Law eliminates the Driver Responsibility Fee Law and associated fees as of October 1, 2018. See <https://www.michigan.gov/driverresponsibility/>.

As of March 31, 2018, individuals who entered into a payment plan on or before February 1, 2018 have been identified and their outstanding Driver Responsibility Fees were eliminated. If there are no additional offenses against their license, these individuals may request a reinstatement of their driver's license without paying a reinstatement fee through December 31, 2018.

Also as of March 31, 2018 the following offenses will no longer receive new Driver Responsibility Fees:

- Drove While License Suspended/Revoked/Denied (DWLS) (3200)
- Drove Commercial Motor Vehicle While Disqualified (3230)
- DWLS Causing Death (3235)

- DWLS Causing Serious Injury (3245)
- No Insurance Under The Insurance Code (3108)

Individuals who did not enter into a payment plan on or before February 1, 2018 are still responsible for their Driver Responsibility Fees until October 1, 2018. All Driver Responsibility Fees will be eliminated on October 1, 2018.

NV - Ignition Interlock Device Change

Note: Per [Senate Bill 259](#), Nevada will expand its ignition interlock program effective 10/1/18 as follows:

- Alcohol-only offenders will be able to receive a restricted license upon installation of an interlock device.
- Ignition interlocks will be required for at least six months for all first time offenders with a blood alcohol content (BAC) of 0.08 or greater. Previous limit was 0.18.
- Judges no longer have discretion to require ignition interlocks for 3 months for first time offenders with a BAC of 0.17 or less or make an exception to the requirement of an ignition interlock for the reason of "undue hardship."
- First time DUI offenders may opt for the installation of an ignition interlock in their vehicle to enable transportation or to fulfill family obligations.

PA - Ignition Interlock Device Change

Most first-time offenders with a BAC higher than 0.10 percent are required to have an ignition interlock device installed on their vehicle. As of 2018, first time DUI offenders with a BAC less than 0.10 can choose to have an ignition interlock installed in their vehicle instead of having their DL suspended. Installing the device for a year thus will allow drivers to keep their license, but they'll also have to keep the conviction on their record.

UT - New DUI Measure

Utah's illegal intoxication level (BAC) is 0.08 % and above for adults, .04 for drivers of CMVs, and a zero tolerance level if the driver is under 21. Per [HB 155](#), effective December 30, 2018, the BAC is lowered to 0.05% for adults.

Information regarding Motor Vehicle Records is available at www.mvrdecoder.com.

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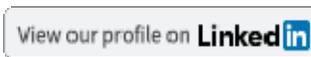
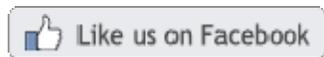
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